

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5412
OFFERED BY MR. SCHIFF OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Intelligence Authorization Act for Fiscal Year 2022”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Intelligence community management account.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Restriction on conduct of intelligence activities.
Sec. 302. Increase in employee compensation and benefits authorized by law.
Sec. 303. Temporary authority for paid leave for a serious health condition.
Sec. 304. Harmonization of whistleblower protections.
Sec. 305. Congressional oversight of certain special access programs.
Sec. 306. Clarification of requirement for authorization of funding for intelligence activities.
Sec. 307. Authorization of support by Director of National Intelligence for certain activities relating to intelligence community workforce.
Sec. 308. Requirements for certain employment activities by former intelligence officers and employees.

- Sec. 309. Non-reimbursable detail of intelligence community personnel to assist with processing and resettlement of refugees, parolees, and other aliens from Afghanistan.
- Sec. 310. Authority for transport of certain canines associated with force protection duties of intelligence community.
- Sec. 311. Development of definitions for certain terms relating to intelligence.
- Sec. 312. Support for and oversight of Unidentified Aerial Phenomena Task Force.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. National Counterproliferation and Biosecurity Center.
- Sec. 402. Clarification of certain responsibility of the Director of National Intelligence.
- Sec. 403. Responsibility of Director of National Intelligence regarding National Intelligence Program budget concerning Federal Bureau of Investigation.
- Sec. 404. Climate Security Advisory Council.

Subtitle B—Other Elements

- Sec. 411. Protection of certain facilities and assets of Central Intelligence Agency from unmanned aircraft.
- Sec. 412. Modification of National Geospatial-Intelligence Agency personnel management authority to attract experts in science and engineering.
- Sec. 413. Requirements for termination of dual-hat arrangement for Commander of the United States Cyber Command.
- Sec. 414. National Space Intelligence Center.
- Sec. 415. Procurement by Federal Bureau of Investigation of Chinese products and services.
- Sec. 416. Counterintelligence units at non-intelligence community Federal departments and agencies.
- Sec. 417. Detection and monitoring of wildfires.

TITLE V—ANOMALOUS HEALTH INCIDENTS AND OTHER HEALTH CARE MATTERS

- Sec. 501. Compensation and professional standards for certain medical officers of the Central Intelligence Agency.
- Sec. 502. Medical advisory board of the Central Intelligence Agency.
- Sec. 503. Report on protocols for certain intelligence community employees and dependents.
- Sec. 504. Inspector General of the Central Intelligence Agency review of Office of Medical Services.
- Sec. 505. Clarification of effect of certain benefits relating to injuries to the brain.

TITLE VI—MATTERS RELATING TO FOREIGN COUNTRIES

- Sec. 601. National Intelligence Estimate on security situation in Afghanistan and related region.
- Sec. 602. Report on likelihood of military action by countries of the South Caucasus.

- Sec. 603. Report on intelligence collection posture and other matters relating to Afghanistan and related region.
- Sec. 604. Report on threat posed by emerging Chinese technology companies.
- Sec. 605. Report on cooperation between China and United Arab Emirates.
- Sec. 606. Report on propagation of extremist ideologies from Saudi Arabia.
- Sec. 607. Report on effects of sanctions by United States.

TITLE VII—REPORTS AND OTHER MATTERS

- Sec. 701. Pilot program for security vetting of certain individuals.
- Sec. 702. Intelligence assessment and reports on foreign racially motivated violent extremists.
- Sec. 703. Periodic report on positions in the intelligence community that can be conducted without access to classified information, networks, or facilities.
- Sec. 704. Biennial reports on foreign biological threats.
- Sec. 705. Annual reports on domestic activities of the intelligence community.
- Sec. 706. Annual reports on certain cyber vulnerabilities procured by intelligence community and foreign commercial providers of cyber vulnerabilities.
- Sec. 707. Improvements to annual report on demographic data of employees of intelligence community.
- Sec. 708. National Intelligence Estimate on escalation and de-escalation of gray zone activities in great power competition.
- Sec. 709. Report on certain actions taken by intelligence community with respect to human rights and international humanitarian law.
- Sec. 710. Briefing on trainings relating to blockchain technology.
- Sec. 711. Report on prospective ability to administer COVID–19 vaccines and other medical interventions to certain intelligence community personnel.
- Sec. 712. Report on potential inclusion within intelligence community of the Office of National Security of the Department of Health and Human Services.
- Sec. 713. Reports relating to Inspector General of Defense Intelligence Agency.
- Sec. 714. Report on rare earth elements.
- Sec. 715. Report on plan to fully fund the Information Systems Security Program and next generation encryption.
- Sec. 716. Review of National Security Agency and United States Cyber Command.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

- 3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
- 4 TEES.—The term “congressional intelligence com-
- 5 mittees” has the meaning given such term in section
- 6 3 of the National Security Act of 1947 (50 U.S.C.
- 7 3003).

1 (2) INTELLIGENCE COMMUNITY.—The term
2 “intelligence community” has the meaning given
3 such term in section 3 of the National Security Act
4 of 1947 (50 U.S.C. 3003).

5 **TITLE I—INTELLIGENCE**
6 **ACTIVITIES**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

8 Funds are hereby authorized to be appropriated for
9 fiscal year 2022 for the conduct of the intelligence and
10 intelligence-related activities of the following elements of
11 the United States Government:

12 (1) The Office of the Director of National Intel-
13 ligence.

14 (2) The Central Intelligence Agency.

15 (3) The Department of Defense.

16 (4) The Defense Intelligence Agency.

17 (5) The National Security Agency.

18 (6) The Department of the Army, the Depart-
19 ment of the Navy, and the Department of the Air
20 Force.

21 (7) The Coast Guard.

22 (8) The Department of State.

23 (9) The Department of the Treasury.

24 (10) The Department of Energy.

25 (11) The Department of Justice.

1 (12) The Federal Bureau of Investigation.

2 (13) The Drug Enforcement Administration.

3 (14) The National Reconnaissance Office.

4 (15) The National Geospatial-Intelligence Agen-
5 cy.

6 (16) The Department of Homeland Security.

7 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

8 (a) SPECIFICATIONS OF AMOUNTS.—The amounts
9 authorized to be appropriated under section 101 for the
10 conduct of the intelligence activities of the elements listed
11 in paragraphs (1) through (16) of section 101, are those
12 specified in the classified Schedule of Authorizations pre-
13 pared to accompany this Act.

14 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
15 THORIZATIONS.—

16 (1) AVAILABILITY.—The classified Schedule of
17 Authorizations referred to in subsection (a) shall be
18 made available to the Committee on Appropriations
19 of the Senate, the Committee on Appropriations of
20 the House of Representatives, and to the President.

21 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
22 ject to paragraph (3), the President shall provide for
23 suitable distribution of the classified Schedule of Au-
24 thorizations referred to in subsection (a), or of ap-

1 appropriate portions of such Schedule, within the execu-
2 utive branch.

3 (3) LIMITS ON DISCLOSURE.—The President
4 shall not publicly disclose the classified Schedule of
5 Authorizations or any portion of such Schedule ex-
6 cept—

7 (A) as provided in section 601(a) of the
8 Implementing Recommendations of the 9/11
9 Commission Act of 2007 (50 U.S.C. 3306(a));

10 (B) to the extent necessary to implement
11 the budget; or

12 (C) as otherwise required by law.

13 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
14 **COUNT.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated for the Intelligence Commu-
17 nity Management Account of the Director of National In-
18 telligence for fiscal year 2022 the sum of \$619,000,000.

19 (b) CLASSIFIED AUTHORIZATION OF APPROPRIA-
20 TIONS.—In addition to amounts authorized to be appro-
21 priated for the Intelligence Community Management Ac-
22 count by subsection (a), there are authorized to be appro-
23 priated for the Intelligence Community Management Ac-
24 count for fiscal year 2022 such additional amounts as are

1 specified in the classified Schedule of Authorizations re-
2 ferred to in section 102(a).

3 **TITLE II—CENTRAL INTEL-**
4 **LIGENCE AGENCY RETIRE-**
5 **MENT AND DISABILITY SYS-**
6 **TEM**

7 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated for the Cen-
9 tral Intelligence Agency Retirement and Disability Fund
10 \$514,000,000 for fiscal year 2022.

11 **TITLE III—GENERAL INTEL-**
12 **LIGENCE COMMUNITY MAT-**
13 **TERS**

14 **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE**
15 **ACTIVITIES.**

16 The authorization of appropriations by this Act shall
17 not be deemed to constitute authority for the conduct of
18 any intelligence activity which is not otherwise authorized
19 by the Constitution or the laws of the United States.

20 **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND**
21 **BENEFITS AUTHORIZED BY LAW.**

22 Appropriations authorized by this Act for salary, pay,
23 retirement, and other benefits for Federal employees may
24 be increased by such additional or supplemental amounts

1 as may be necessary for increases in such compensation
2 or benefits authorized by law.

3 **SEC. 303. TEMPORARY AUTHORITY FOR PAID LEAVE FOR A**
4 **SERIOUS HEALTH CONDITION.**

5 (a) AUTHORIZATION OF PAID LEAVE FOR A SERIOUS
6 HEALTH CONDITION FOR EMPLOYEES OF ELEMENTS OF
7 THE INTELLIGENCE COMMUNITY.—

8 (1) IN GENERAL.—Title III of the National Se-
9 curity Act of 1947 (50 U.S.C. 3071 et seq.) is
10 amended by inserting after section 304 the fol-
11 lowing:

12 **“SEC. 305. TEMPORARY AUTHORITY FOR PAID LEAVE FOR A**
13 **SERIOUS HEALTH CONDITION.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) PAID SERIOUS HEALTH CONDITION
16 LEAVE.—The term ‘paid serious health condition
17 leave’ means paid leave taken under subsection (b).

18 “(2) SERIOUS HEALTH CONDITION.—The term
19 ‘serious health condition’ has the meaning given the
20 term in section 6381 of title 5, United States Code.

21 “(3) SON OR DAUGHTER.—The term ‘son or
22 daughter’ has the meaning given the term in section
23 6381 of title 5, United States Code.

24 “(b) PAID SERIOUS HEALTH CONDITION LEAVE.—
25 During the period specified in subsection (f), and notwith-

1 standing any other provision of law, a civilian employee
2 of an element of the intelligence community shall have
3 available a total of 12 administrative workweeks of paid
4 leave during any 12-month period for one or more of the
5 following:

6 “(1) In order to care for the spouse, or a son,
7 daughter, or parent, of the employee, if such spouse,
8 son, daughter, or parent has a serious health condi-
9 tion.

10 “(2) Because of a serious health condition that
11 makes the employee unable to perform the functions
12 of the employee’s position.

13 “(c) TREATMENT OF SERIOUS HEALTH CONDITION
14 LEAVE REQUEST.—Notwithstanding any other provision
15 of law, an element of the intelligence community shall ac-
16 commodate an employee’s leave schedule request under
17 subsection (b), including a request to use such leave inter-
18 mittently or on a reduced leave schedule, to the extent that
19 the requested leave schedule does not unduly disrupt agen-
20 cy operations.

21 “(d) RULES RELATING TO PAID LEAVE.—During the
22 period specified in subsection (f), and notwithstanding any
23 other provision of law—

24 “(1) an employee of an element of the intel-
25 ligence community—

1 “(A) shall be required to first use all ac-
2 crued or accumulated paid sick leave before
3 being allowed to use paid serious health condi-
4 tion leave; and

5 “(B) may not be required to first use all
6 or any portion of any unpaid leave available to
7 the employee before being allowed to use paid
8 serious health condition leave; and

9 “(2) paid serious health condition leave—

10 “(A) shall be payable from any appropria-
11 tion or fund available for salaries or expenses
12 for positions within the employing element;

13 “(B) may not be considered to be annual
14 or vacation leave for purposes of section 5551
15 or 5552 of title 5, United States Code, or for
16 any other purpose;

17 “(C) if not used by the employee before the
18 end of the 12-month period described in sub-
19 section (b) to which the leave relates, may not
20 be available for any subsequent use and may
21 not be converted into a cash payment;

22 “(D) may be granted only to the extent
23 that the employee does not receive a total of
24 more than 12 weeks of paid serious health con-
25 dition leave in any 12-month period;

1 “(E) shall be used in increments of hours
2 (or fractions thereof), with 12 administrative
3 workweeks equal to 480 hours for employees of
4 elements of the intelligence community with a
5 regular full-time work schedule and converted
6 to a proportional number of hours for employ-
7 ees of such elements with part-time, seasonal,
8 or uncommon tours of duty; and

9 “(F) may not be used during off-season
10 (nonpay status) periods for employees of such
11 elements with seasonal work schedules.

12 “(e) IMPLEMENTATION.—

13 “(1) CONSISTENCY WITH SERIOUS HEALTH
14 CONDITION LEAVE UNDER TITLE 5.—The Director
15 of National Intelligence shall carry out this section
16 in a manner consistent, to the extent appropriate,
17 with the administration of leave taken under section
18 6382 of title 5, United States Code, for a reason de-
19 scribed in subparagraph (C) or (D) of subsection
20 (a)(1) of that section, including with respect to the
21 authority to require a certification described in sec-
22 tion 6383 of such title.

23 “(2) IMPLEMENTATION PLAN.—Not later than
24 1 year after the date of enactment of this section,
25 the Director of National Intelligence shall submit to

1 the congressional intelligence committees an imple-
2 mentation plan that includes—

3 “(A) processes and procedures for imple-
4 menting the paid serious health condition leave
5 policies under subsections (b) through (d) dur-
6 ing the period specified in subsection (f);

7 “(B) an explanation of how such imple-
8 mentation will be reconciled with policies of
9 other elements of the Federal Government, in-
10 cluding the impact on elements funded by the
11 National Intelligence Program that are housed
12 within agencies outside the intelligence commu-
13 nity;

14 “(C) the projected impact of such imple-
15 mentation on the workforce of the intelligence
16 community, including take rates, retention, re-
17 cruiting, and morale, broken down by each ele-
18 ment of the intelligence community; and

19 “(D) all costs or operational expenses asso-
20 ciated with such implementation.

21 “(3) DIRECTIVE.—Not later than 90 days after
22 the Director of National Intelligence submits the im-
23 plementation plan under paragraph (2), the Director
24 of National Intelligence shall issue a written direc-

1 tive to implement this section, which directive shall
2 take effect on the date of issuance.

3 “(f) DURATION OF AUTHORITY.—The authority and
4 requirements under subsections (b) through (d) shall only
5 apply during the 3-year period beginning on the date on
6 which the Director of National Intelligence issues the writ-
7 ten directive under subsection (e)(3).

8 “(g) ANNUAL REPORT.—During the period specified
9 in subsection (f), the Director of National Intelligence
10 shall submit to the congressional intelligence committees
11 an annual report that—

12 “(1) details the number of employees of each
13 element of the intelligence community who applied
14 for and took paid serious health condition leave dur-
15 ing the year covered by the report;

16 “(2) includes updates on major implementation
17 challenges or costs associated with paid serious
18 health condition leave; and

19 “(3) includes a recommendation of the Director
20 with respect to whether to extend the period speci-
21 fied in subsection (f).”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents at the beginning of such Act is amended by in-
24 serting after the item relating to section 304 the fol-
25 lowing:

“Sec. 305. Paid serious health condition leave.”.

1 (b) APPLICABILITY.—Section 305 of the National Se-
2 curity Act of 1947, as added by subsection (b), shall apply
3 with respect to leave taken in connection with a serious
4 health condition (as defined in subsection (a) of such sec-
5 tion 305) that occurs or continues to exist during the pe-
6 riod specified in subsection (f) of such section.

7 **SEC. 304. HARMONIZATION OF WHISTLEBLOWER PROTEC-**
8 **TIONS.**

9 (a) PROHIBITED PERSONNEL PRACTICES IN THE IN-
10 TELLIGENCE COMMUNITY.—

11 (1) THREATS RELATING TO PERSONNEL AC-
12 TIONS.—

13 (A) AGENCY EMPLOYEES.—Section
14 1104(b) of the National Security Act of 1947
15 (50 U.S.C. 3234(b)) is amended, in the matter
16 preceding paragraph (1)—

17 (i) by striking “Any employee of an
18 agency” and insert “Any employee of a
19 covered intelligence community element or
20 an agency”; and

21 (ii) by inserting “, or threaten to take
22 or fail to take,” after “take or fail to
23 take”.

24 (B) CONTRACTOR EMPLOYEES.—Section
25 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1))

1 is amended, in the matter preceding subpara-
2 graph (A), by inserting “, or threaten to take
3 or fail to take,” after “take or fail to take”.

4 (2) PROTECTION FOR CONTRACTOR EMPLOYEES
5 AGAINST REPRISAL FROM AGENCY EMPLOYEES.—
6 Section 1104(c)(1) of such Act (50 U.S.C.
7 3234(c)(1)), as amended by paragraph (1)(B) of
8 this subsection, is further amended, in the matter
9 preceding subparagraph (A), by inserting “of an
10 agency or” after “Any employee”.

11 (3) ENFORCEMENT.—Subsection (d) of section
12 1104 of such Act (50 U.S.C. 3234) is amended to
13 read as follows:

14 “(d) ENFORCEMENT.—The President shall provide
15 for the enforcement of this section consistent, to the fullest
16 extent possible, with the policies and procedures used to
17 adjudicate alleged violations of section 2302(b)(8) of title
18 5, United States Code.”.

19 (b) RETALIATORY REVOCATION OF SECURITY
20 CLEARANCES AND ACCESS DETERMINATIONS.—

21 (1) ENFORCEMENT.—Section 3001(j) of the In-
22 telligence Reform and Terrorism Prevention Act of
23 2004 (50 U.S.C. 3341(j)) is amended—

24 (A) by redesignating paragraph (8) as
25 paragraph (9); and

1 (B) by inserting after paragraph (7) the
2 following:

3 “(8) ENFORCEMENT.—Except as otherwise pro-
4 vided in this subsection, the President shall provide
5 for the enforcement of this section consistent, to the
6 fullest extent possible, with the policies and proce-
7 dures used to adjudicate alleged violations of section
8 2302(b)(8) of title 5, United States Code.”.

9 (2) TOLLING OF DEADLINE FOR APPEAL OF
10 PROHIBITED REPRISAL.—Section 3001(j)(4) of such
11 Act (50 U.S.C. 3341(j)(4)) is amended—

12 (A) in subparagraph (A), by inserting
13 “(except as provided by subparagraph (D))”
14 after “within 90 days”; and

15 (B) by adding at the end the following new
16 subparagraph:

17 “(D) TOLLING.—The time requirement es-
18 tablished by subparagraph (A) for an employee
19 or former employee to appeal the decision of an
20 agency may be tolled if the employee or former
21 employee presents substantial credible evidence
22 showing why the employee or former employee
23 did not timely initiate the appeal and why the
24 enforcement of the time requirement would be

1 unfair, such as evidence showing that the em-
2 ployee or former employee—

3 “(i) did not receive notice of the deci-
4 sion; or

5 “(ii) could not timely initiate the ap-
6 peal because of factors beyond the control
7 of the employee or former employee.”.

8 (c) CORRECTION OF DEFINITION OF AGENCY.—Sec-
9 tion 3001(a)(1)(B) of the Intelligence Reform and Ter-
10 rorism Prevention Act of 2004 (50 U.S.C. 3341(a)(1)(B))
11 is amended by striking “and” and inserting “or”.

12 (d) ESTABLISHING CONSISTENCY WITH RESPECT TO
13 PROTECTIONS FOR DISCLOSURES OF MISMANAGE-
14 MENT.—

15 (1) SECURITY CLEARANCE AND ACCESS DETER-
16 MINATIONS.—Section 3001(j)(1) of the Intelligence
17 Reform and Terrorism Prevention Act of 2004 (50
18 U.S.C. 3341(j)(1)) is amended—

19 (A) in subparagraph (A)(ii), by striking
20 “gross mismanagement” and inserting “mis-
21 management”; and

22 (B) in subparagraph (B)(ii), by striking
23 “gross mismanagement” and inserting “mis-
24 management”.

1 (2) PERSONNEL ACTIONS AGAINST CON-
2 TRACTOR EMPLOYEES.—Section 1104(c)(1)(B) of
3 the National Security Act of 1947 (50 U.S.C.
4 3234(c)(1)(B)) is amended by striking “gross mis-
5 management” and inserting “mismanagement”.

6 (e) PROTECTED DISCLOSURES TO SUPERVISORS.—

7 (1) PERSONNEL ACTIONS.—

8 (A) DISCLOSURES BY AGENCY EMPLOYEES
9 TO SUPERVISORS.—Section 1104(b) of the Na-
10 tional Security Act of 1947 (50 U.S.C.
11 3234(b)), as amended by subsection (a)(1)(A),
12 is further amended, in the matter preceding
13 paragraph (1), by inserting “a supervisor in the
14 employee’s direct chain of command, or a su-
15 pervisor of the employing agency with responsi-
16 bility for the subject matter of the disclosure,
17 up to and including” before “the head of the
18 employing agency”.

19 (B) DISCLOSURES BY CONTRACTOR EM-
20 PLOYEES TO SUPERVISORS.—Section
21 1104(c)(1) of such Act (50 U.S.C. 3234(c)(1)),
22 as amended by subsection (a), is further
23 amended, in the matter preceding subparagraph
24 (A), by inserting “a supervisor in the contractor
25 employee’s direct chain of command, or a su-

1 supervisor of the contracting agency with respon-
2 sibility for the subject matter of the disclosure,
3 up to and including” before “the head of the
4 contracting agency”.

5 (2) SECURITY CLEARANCE AND ACCESS DETER-
6 MINATIONS.—Section 3001(j)(1)(A) of the Intel-
7 ligence Reform and Terrorism Prevention Act of
8 2004 (50 U.S.C. 3341(j)(1)(A)) is amended, in the
9 matter preceding clause (i), by inserting “a super-
10 visor in the employee’s direct chain of command, or
11 a supervisor of the employing agency with responsi-
12 bility for the subject matter of the disclosure, up to
13 and including” before “the head of the employing
14 agency”.

15 (f) ESTABLISHING PARITY FOR PROTECTED DISCLO-
16 SURES.—Section 1104 of the National Security Act of
17 1947 (50 U.S.C. 3234) is further amended—

18 (1) in subsection (b), as amended by sub-
19 sections (a)(1)(A) and (e)(1)(A)—

20 (A) by redesignating paragraphs (1) and
21 (2) as subparagraphs (A) and (B), respectively,
22 and moving such subparagraphs, as so redesign-
23 ated, 2 ems to the right;

24 (B) in the matter preceding subparagraph
25 (A), as redesignated and moved by subpara-

1 graph (B) of this paragraph, by striking “for a
2 lawful disclosure” and inserting the following:

3 “for—

4 “(1) any lawful disclosure”; and

5 (C) by adding at the end the following:

6 “(2) any lawful disclosure that complies with—

7 “(A) subsections (a)(1), (d), and (g) of
8 section 8H of the Inspector General Act of
9 1978 (5 U.S.C. App.);

10 “(B) subparagraphs (A), (D), and (H) of
11 section 17(d)(5) of the Central Intelligence
12 Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

13 “(C) subparagraphs (A), (D), and (I) of
14 section 103H(k)(5); or

15 “(3) if the actions do not result in the employee
16 unlawfully disclosing information specifically re-
17 quired by Executive order to be kept classified in the
18 interest of national defense or the conduct of foreign
19 affairs, any lawful disclosure in conjunction with—

20 “(A) the exercise of any appeal, complaint,
21 or grievance right granted by any law, rule, or
22 regulation;

23 “(B) testimony for or otherwise lawfully
24 assisting any individual in the exercise of any
25 right referred to in subparagraph (A); or

1 “(C) cooperation with or disclosing infor-
2 mation to the Inspector General of an agency,
3 in accordance with applicable provisions of law
4 in connection with an audit, inspection, or in-
5 vestigation conducted by the Inspector Gen-
6 eral.”; and

7 (2) in subsection (c)(1), as amended by sub-
8 sections (a) and (e)(1)(B)—

9 (A) by redesignating subparagraphs (A)
10 and (B) as clauses (i) and (ii), respectively, and
11 moving such clauses, as so redesignated, 2 ems
12 to the right;

13 (B) in the matter preceding clause (i), as
14 redesignated and moved by subparagraph (B)
15 of this paragraph, by striking “for a lawful dis-
16 closure” and inserting the following: “for—
17 “(A) any lawful disclosure”; and

18 (C) by adding at the end the following:
19 “(B) any lawful disclosure that complies with—

20 “(i) subsections (a)(1), (d), and (g) of sec-
21 tion 8H of the Inspector General Act of 1978
22 (5 U.S.C. App.);

23 “(ii) subparagraphs (A), (D), and (H) of
24 section 17(d)(5) of the Central Intelligence
25 Agency Act of 1949 (50 U.S.C. 3517(d)(5)); or

1 “(iii) subparagraphs (A), (D), and (I) of
2 section 103H(k)(5); or

3 “(C) if the actions do not result in the con-
4 tractor employee unlawfully disclosing information
5 specifically required by Executive order to be kept
6 classified in the interest of national defense or the
7 conduct of foreign affairs, any lawful disclosure in
8 conjunction with—

9 “(i) the exercise of any appeal, complaint,
10 or grievance right granted by any law, rule, or
11 regulation;

12 “(ii) testimony for or otherwise lawfully as-
13 sisting any individual in the exercise of any
14 right referred to in clause (i); or

15 “(iii) cooperation with or disclosing infor-
16 mation to the Inspector General of an agency,
17 in accordance with applicable provisions of law
18 in connection with an audit, inspection, or in-
19 vestigation conducted by the Inspector Gen-
20 eral.”.

21 (g) CLARIFICATION RELATING TO PROTECTED DIS-
22 CLOSURES.—Section 1104 of the National Security Act of
23 1947 (50 U.S.C. 3234) is further amended—

24 (1) by redesignating subsections (d) and (e) as
25 subsections (f) and (g), respectively; and

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) RULE OF CONSTRUCTION.—Consistent with the
4 protection of sources and methods, nothing in subsection
5 (b) or (c) shall be construed to authorize—

6 “(1) the withholding of information from Con-
7 gress; or

8 “(2) the taking of any personnel action against
9 an employee who lawfully discloses information to
10 Congress.

11 “(e) DISCLOSURES.—A disclosure shall not be ex-
12 cluded from this section because—

13 “(1) the disclosure was made to an individual,
14 including a supervisor, who participated in an activ-
15 ity that the employee reasonably believed to be cov-
16 ered under subsection (b)(1)(B) or the contractor
17 employee reasonably believed to be covered under
18 subsection (c)(1)(A)(ii);

19 “(2) the disclosure revealed information that
20 had been previously disclosed;

21 “(3) the disclosure was not made in writing;

22 “(4) the disclosure was made while the em-
23 ployee was off duty;

1 “(5) of the amount of time which has passed
2 since the occurrence of the events described in the
3 disclosure; or

4 “(6) the disclosure was made during the normal
5 course of duties of an employee or contractor em-
6 ployee.”.

7 (h) CORRECTION RELATING TO NORMAL COURSE
8 DISCLOSURES.—Section 3001(j)(3) of the Intelligence Re-
9 form and Terrorism Prevention Act of 2004 (50 U.S.C.
10 3341(j)(3)) is amended—

11 (1) by striking “DISCLOSURES.—” and all that
12 follows through “because—” and inserting “DISCLO-
13 SURES.—A disclosure shall not be excluded from
14 paragraph (1) because—”;

15 (2) by striking subparagraph (B);

16 (3) by redesignating clauses (i) through (v) as
17 subparagraphs (A) through (E), respectively, and
18 moving such subparagraphs, as so redesignated, 2
19 ems to the left;

20 (4) in subparagraph (D), as so redesignated, by
21 striking “or” at the end;

22 (5) in subparagraph (E), as redesignated by
23 paragraph (3), by striking the period at the end and
24 inserting “; or”; and

25 (6) by adding at the end the following:

1 “(F) the disclosure was made during the
2 normal course of duties of an employee.”.

3 (i) CLARIFICATION RELATING TO RULE OF CON-
4 STRUCTION.—Section 3001(j)(2) of the Intelligence Re-
5 form and Terrorism Prevention Act of 2004 (50 U.S.C.
6 3341(j)(2)) is amended by inserting “or clearance action”
7 after “personnel action”.

8 (j) CLARIFICATION RELATING TO PROHIBITED PRAC-
9 TICES.—Section 3001(j)(1) of the Intelligence Reform and
10 Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)),
11 as amended by this section, is further amended by striking
12 “over” and inserting “to take, direct others to take, rec-
13 ommend, or approve”.

14 (k) TECHNICAL CORRECTION.—Section
15 3001(j)(1)(C)(i) of the Intelligence Reform and Terrorism
16 Prevention Act of 2004 (50 U.S.C. 3341(j)(1)(C)(i)) is
17 amended by striking “(h)” and inserting “(g)”.

18 (l) REPORT REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Inspector
20 General of the Intelligence Community shall submit to the
21 congressional intelligence committees a report assessing
22 the extent to which protections provided under Presi-
23 dential Policy Directive 19 (relating to protecting whistle-
24 blowers with access to classified information) have been
25 codified in statutes.

1 **SEC. 305. CONGRESSIONAL OVERSIGHT OF CERTAIN SPE-**
2 **CIAL ACCESS PROGRAMS.**

3 (a) IN GENERAL.—Title V of the National Security
4 Act of 1947 (50 U.S.C. 3091 et seq.) is amended by in-
5 serting after section 501 the following new section (and
6 conforming the table of contents at the beginning of such
7 Act accordingly):

8 **“SEC. 501A. CONGRESSIONAL OVERSIGHT OF CERTAIN SPE-**
9 **CIAL ACCESS PROGRAMS.**

10 “(a) REPORTS AND NOTIFICATIONS.—At the same
11 time that the Secretary of Defense submits any report or
12 notification under section 119 of title 10, United States
13 Code, that relates to a covered special access program or
14 a new covered special access program, the Secretary shall
15 also submit such report or notification to the congressional
16 intelligence committees.

17 “(b) BRIEFINGS.—On a periodic basis, but not less
18 frequently than semiannually, the Secretary of Defense
19 shall provide to the chairmen and ranking minority mem-
20 bers of the congressional intelligence committees, and to
21 any staff of such a committee designated by either the
22 chair or ranking member for purposes of this subsection,
23 a briefing on covered special access programs. Each such
24 briefing shall include, at a minimum—

25 “(1) a description of the activity of the program
26 during the period covered by the briefing; and

1 “(2) documentation with respect to how the
2 program has achieved outcomes consistent with re-
3 quirements documented by the Director of National
4 Intelligence and the Secretary of Defense.

5 “(c) NOTIFICATIONS ON COMPARTMENTS AND SUB-
6 COMPARTMENTS.—

7 “(1) REQUIREMENT.—Except as provided by
8 paragraph (2), a head of an element of the intel-
9 ligence community may not establish a compartment
10 or a subcompartment under a covered special access
11 program until the head notifies the congressional in-
12 telligence committees of such compartment or sub-
13 compartment, as the case may be.

14 “(2) WAIVER.—

15 “(A) DETERMINATION.—On a case-by-case
16 basis, the Director of National Intelligence may
17 waive the requirement under paragraph (1).
18 Not later than two days after making such a
19 waiver, the Director shall notify the congres-
20 sional intelligence committees of the waiver, in-
21 cluding a justification for the waiver.

22 “(B) SUBMISSION.—Not later than 30
23 days after the date on which the Director
24 makes a waiver under subparagraph (A), the
25 head of the element of the intelligence commu-

1 nity for whom the waiver was made shall sub-
2 mit to the congressional intelligence committees
3 the notification required under paragraph (1)
4 relating to such waiver.

5 “(d) ANNUAL REPORTS.—

6 “(1) REQUIREMENT.—On an annual basis, the
7 head of each element of the intelligence community
8 shall submit to the congressional intelligence com-
9 mittees a report on covered special access programs
10 administered by the head.

11 “(2) MATTERS INCLUDED.—Each report shall
12 include, with respect to the period covered by the re-
13 port, the following:

14 “(A) A list of all compartments and sub-
15 compartments of covered special access pro-
16 grams active as of the date of the report.

17 “(B) A list of all compartments and sub-
18 compartments of covered special access pro-
19 grams terminated during the period covered by
20 the report.

21 “(C) With respect to the report submitted
22 by the Director of National Intelligence, in ad-
23 dition to the matters specified in subparagraphs
24 (A) and (B)—

1 “(i) a certification regarding whether
2 the creation, validation, or substantial
3 modification, including termination, for all
4 existing and proposed covered special ac-
5 cess programs, and the compartments and
6 subcompartments within each, are substan-
7 tiated and justified based on the informa-
8 tion required by clause (ii); and

9 “(ii) for each certification—

10 “(I) the rationale for the re-
11 validation, validation, or substantial
12 modification, including termination, of
13 each covered special access program,
14 compartment, and subcompartment;

15 “(II) the identification of a con-
16 trol officer for each covered special ac-
17 cess program; and

18 “(III) a statement of protection
19 requirements for each covered special
20 access program.

21 “(e) COVERED SPECIAL ACCESS PROGRAM DE-
22 FINED.—In this section, the term ‘covered special access
23 program’ means a special access program that receives
24 funding under the National Intelligence Program or the

1 Military Intelligence Program, relates to an intelligence or
2 intelligence-related activity, or both.”.

3 (b) FIRST REPORT.—Not later than 30 days after
4 the date of the enactment of this Act, the head of each
5 element of the intelligence community shall submit to the
6 congressional intelligence committees the first report re-
7 quired under section 501A(d)(1) of the National Security
8 Act of 1947, as added by subsection (a).

9 (c) CONFORMING REPEAL.—Section 608 of the Intel-
10 ligence Authorization Act for Fiscal Year 2017 (division
11 N of Public Law 115–31; 131 Stat. 833; 50 U.S.C. 3315)
12 is amended by striking subsection (b).

13 **SEC. 306. CLARIFICATION OF REQUIREMENT FOR AUTHOR-**
14 **IZATION OF FUNDING FOR INTELLIGENCE**
15 **ACTIVITIES.**

16 Paragraph (1) of section 504(a) of the National Se-
17 curity Act of 1947 (50 U.S.C. 3094(a)) is amended to
18 read as follows:

19 “(1) those funds were specifically authorized by
20 Congress for use for such intelligence or intelligence-
21 related activities; or”.

1 **SEC. 307. AUTHORIZATION OF SUPPORT BY DIRECTOR OF**
2 **NATIONAL INTELLIGENCE FOR CERTAIN AC-**
3 **TIVITIES RELATING TO INTELLIGENCE COM-**
4 **MUNITY WORKFORCE.**

5 Title X of the National Security Act of 1947 (50
6 U.S.C. 3191 et seq.) is amended by inserting after section
7 1024 the following new section (and conforming the table
8 of contents at the beginning of such Act accordingly):

9 **“SEC. 1025. AUTHORIZATION OF SUPPORT BY DIRECTOR OF**
10 **NATIONAL INTELLIGENCE FOR CERTAIN**
11 **WORKFORCE ACTIVITIES.**

12 “(a) **AUTHORIZATION.**—The Director may, with or
13 without reimbursement, obligate or expend amounts au-
14 thorized to be appropriated or otherwise made available
15 for the Office of the Director of National Intelligence for
16 covered workforce activities for the purpose of supporting
17 a covered workforce activity of an element of the intel-
18 ligence community.

19 “(b) **COVERED WORKFORCE ACTIVITY DEFINED.**—
20 In this section, the term ‘covered workforce activity’
21 means an activity relating to—

22 “(1) recruitment or retention of the intelligence
23 community workforce; or

24 “(2) diversity, equality, inclusion, or accessi-
25 bility, with respect to such workforce.”.

1 **SEC. 308. REQUIREMENTS FOR CERTAIN EMPLOYMENT AC-**
2 **TIVITIES BY FORMER INTELLIGENCE OFFI-**
3 **CERS AND EMPLOYEES.**

4 (a) MODIFICATIONS TO REQUIREMENT.—

5 (1) IN GENERAL.—Section 304 of the National
6 Security Act of 1947 (50 U.S.C. 3073a) is amended
7 to read as follows:

8 **“SEC. 304. REQUIREMENTS FOR CERTAIN EMPLOYMENT AC-**
9 **TIVITIES BY FORMER INTELLIGENCE OFFI-**
10 **CERS AND EMPLOYEES.**

11 “(a) TEMPORARY RESTRICTION.—An employee of an
12 element of the intelligence community who occupies a cov-
13 ered intelligence position may not occupy a covered post-
14 service position during the 30-month period following the
15 date on which the employee ceases to occupy a covered
16 intelligence position.

17 “(b) COVERED POST-SERVICE EMPLOYMENT RE-
18 PORTING.—

19 “(1) REQUIREMENT.—During the 5-year period
20 beginning on the date on which an employee ceases
21 to occupy a covered intelligence position, the em-
22 ployee shall—

23 “(A) report covered post-service employ-
24 ment to the head of the element of the intel-
25 ligence community that employed such employee
26 in such covered intelligence position upon ac-

1 cepting such covered post-service employment;
2 and

3 “(B) annually (or more frequently if the
4 head of such element considers it appropriate)
5 report covered post-service employment to the
6 head of such element.

7 “(2) REGULATIONS.—The head of each element
8 of the intelligence community shall issue regulations
9 requiring, as a condition of employment, each em-
10 ployee of such element occupying a covered intel-
11 ligence position to sign a written agreement requir-
12 ing the regular reporting of covered post-service em-
13 ployment to the head of such element pursuant to
14 paragraph (1).

15 “(c) PENALTIES.—

16 “(1) CRIMINAL PENALTIES.—A former em-
17 ployee who knowingly and willfully violates sub-
18 section (a) or who knowingly and willfully fails to
19 make a required report under subsection (b) shall be
20 fined under title 18, United States Code, or impris-
21 oned for not more than 5 years, or both. Each re-
22 port under subsection (b) shall be subject to section
23 1001 of title 18, United States Code.

24 “(2) SECURITY CLEARANCES.—The head of an
25 element of the intelligence community shall revoke

1 the security clearance of a former employee if the
2 former employee knowingly and willfully fails to
3 make a required report under subsection (b) or
4 knowingly and willfully makes a false report under
5 such subsection.

6 “(d) PROVISION OF INFORMATION.—

7 “(1) TRAINING.—The head of each element of
8 the intelligence community shall regularly provide
9 training on the reporting requirements under sub-
10 section (b) to employees of that element who occupy
11 a covered intelligence position.

12 “(2) WRITTEN NOTICE.—The head of each ele-
13 ment of the intelligence community shall provide
14 written notice of the reporting requirements under
15 subsection (b) to an employee when the employee
16 ceases to occupy a covered intelligence position.

17 “(e) ANNUAL REPORTS.—

18 “(1) REQUIREMENT.—Not later than March 31
19 of each year, the Director of National Intelligence
20 shall submit to the congressional intelligence com-
21 mittees a report on covered post-service employment
22 occurring during the year covered by the report.

23 “(2) ELEMENTS.—Each report under para-
24 graph (1) shall include the following:

1 “(A) The number of former employees who
2 occupy a covered post-service position, broken
3 down by—

4 “(i) the name of the employer;

5 “(ii) the foreign government, includ-
6 ing by the specific foreign individual, agen-
7 cy, or entity, for whom the covered post-
8 service employment is being performed;
9 and

10 “(iii) the nature of the services pro-
11 vided as part of the covered post-service
12 employment.

13 “(B) A certification by the Director that—

14 “(i) each element of the intelligence
15 community maintains adequate systems
16 and processes for ensuring that former em-
17 ployees are submitting reports required
18 under subsection (b);

19 “(ii) to the knowledge of the heads of
20 the elements of the intelligence community,
21 all former employees who occupy a covered
22 post-service position are in compliance with
23 this section;

1 “(iii) the services provided by former
2 employees who occupy a covered post-serv-
3 ice position do not—

4 “(I) pose a current or future
5 threat to the national security of the
6 United States; or

7 “(II) pose a counterintelligence
8 risk; and

9 “(iv) the Director and the heads of
10 such elements are not aware of any cred-
11 ible information or reporting that any
12 former employee who occupies a covered
13 post-service position has engaged in activi-
14 ties that violate Federal law, infringe upon
15 the privacy rights of United States per-
16 sons, or constitute abuses of human rights.

17 “(3) FORM.—Each report under paragraph (1)
18 shall be submitted in unclassified form, but may in-
19 clude a classified annex.

20 “(f) NOTIFICATION.—In addition to the annual re-
21 ports under subsection (e), if a head of an element of the
22 intelligence community determines that the services pro-
23 vided by a former employee who occupies a covered post-
24 service position pose a threat or risk described in clause
25 (iii) of paragraph (2)(B) of such subsection, or include ac-

1 tivities described in clause (iv) of such paragraph, the
2 head shall notify the congressional intelligence committees
3 of such determination by not later than 7 days after mak-
4 ing such determination. The notification shall include the
5 following:

6 “(1) The name of the former employee.

7 “(2) The name of the employer.

8 “(3) The foreign government, including the spe-
9 cific foreign individual, agency, or entity, for whom
10 the covered post-service employment is being per-
11 formed.

12 “(4) As applicable, a description of—

13 “(A) the risk to national security, the
14 counterintelligence risk, or both; and

15 “(B) the activities that may violate Fed-
16 eral law, infringe upon the privacy rights of
17 United States persons, or constitute abuses of
18 human rights.

19 “(g) DEFINITIONS.—In this section:

20 “(1) COVERED INTELLIGENCE POSITION.—The
21 term ‘covered intelligence position’ means a position
22 within an element of the intelligence community
23 that, based on the level of access of a person occu-
24 pying such position to information regarding sen-
25 sitive intelligence sources or methods or other excep-

1 tionally sensitive matters, the head of such element
2 determines should be subject to the requirements of
3 this section.

4 “(2) COVERED POST-SERVICE EMPLOYMENT.—
5 The term ‘covered post-service employment’ means
6 direct or indirect employment by, representation of,
7 or any provision of advice or services relating to na-
8 tional security, intelligence, the military, or internal
9 security to, the government of a foreign country or
10 any company, entity, or other person whose activities
11 are directly or indirectly supervised, directed, con-
12 trolled, financed, or subsidized, in whole or in major
13 part, by any government of a foreign country.

14 “(3) COVERED POST-SERVICE POSITION.—The
15 term ‘covered post-service position’ means a position
16 of employment described in paragraph (2).

17 “(4) EMPLOYEE.—The term ‘employee’, with
18 respect to an employee occupying a covered intel-
19 ligence position, includes an officer or official of an
20 element of the intelligence community, a contractor
21 of such an element, a detailee to such an element,
22 or a member of the Armed Forces assigned to such
23 an element.

24 “(5) FORMER EMPLOYEE.—The term ‘former
25 employee’ means an individual—

1 “(A) who was an employee occupying a
2 covered intelligence position; and

3 “(B) who is subject to the requirements
4 under subsection (a) or (b).

5 “(6) GOVERNMENT OF A FOREIGN COUNTRY.—
6 The term ‘government of a foreign country’ has the
7 meaning given the term in section 1(e) of the For-
8 eign Agents Registration Act of 1938 (22 U.S.C.
9 611(e)).”.

10 (2) APPLICATION.—Such section 304, as
11 amended by paragraph (1), shall apply with respect
12 to employees who occupy covered intelligence posi-
13 tions (as defined in such section) on or after the
14 date of the enactment of this Act.

15 (3) REVISED REGULATIONS.—

16 (A) SUBMISSION.—Not later than 90 days
17 after the date of the enactment of this Act, the
18 head of each element of the intelligence commu-
19 nity shall submit to the congressional intel-
20 ligence committees new or updated regulations
21 issued under such section 304, as amended by
22 paragraph (1).

23 (B) CERTIFICATION.—Not later than 180
24 days after the date of the enactment of this
25 Act, the Director of National Intelligence shall

1 submit to the congressional intelligence commit-
2 tees—

3 (i) a written certification for each
4 head of an element of the intelligence com-
5 munity who has issued the updated regula-
6 tions under such section 304, as amended
7 by paragraph (1); and

8 (ii) for each head of an element of the
9 intelligence community who has not issued
10 such updated regulations, an explanation
11 for the failure to issue such updated regu-
12 lations.

13 (4) INITIAL REPORT.—In the first report sub-
14 mitted by the Director of National Intelligence
15 under subsection (e) of such section 304, as amend-
16 ed by paragraph (1), the Director shall include an
17 assessment of the licensing requirements under the
18 Arms Export Control Act (22 U.S.C. 2751 et seq.)
19 and recommendations with respect to strengthening
20 the activities regulated under such section 304.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such Act is amended by striking the
23 item relating to section 304 and inserting the following
24 new item:

“Sec. 304. Requirements for certain employment activities by former intel-
ligence officers and employees.”.

1 **SEC. 309. NON-REIMBURSABLE DETAIL OF INTELLIGENCE**
2 **COMMUNITY PERSONNEL TO ASSIST WITH**
3 **PROCESSING AND RESETTLEMENT OF REFU-**
4 **GEES, PAROLEES, AND OTHER ALIENS FROM**
5 **AFGHANISTAN.**

6 Section 113A of the National Security Act of 1947
7 (50 U.S.C. 3049) is amended—

8 (1) by striking “An officer” and inserting “(a)
9 IN GENERAL.—An officer”;

10 (2) by striking “section” both places it appears
11 and inserting “subsection”; and

12 (3) by adding at the end the following new sub-
13 section:

14 “(b) PROCESSING AND RESETTLEMENT OF REFU-
15 GEES, PAROLEES, AND OTHER ALIENS FROM AFGHANI-
16 STAN.—An officer or employee of an element of the intel-
17 ligence community may be detailed to another element of
18 the United States Government on a non-reimbursable
19 basis for the purpose of providing assistance with the proc-
20 essing and resettlement of refugees, parolees, and other
21 aliens, from Afghanistan, as jointly agreed to by the heads
22 of the receiving and detailing elements, for a period not
23 to exceed 1 year. This subsection does not limit any other
24 source of authority for reimbursable or non-reimbursable
25 details. A non-reimbursable detail made under this sub-
26 section shall not be considered an augmentation of the ap-

1 appropriations of the receiving element of the United States
2 Government.”.

3 **SEC. 310. AUTHORITY FOR TRANSPORT OF CERTAIN CA-**
4 **NINES ASSOCIATED WITH FORCE PROTEC-**
5 **TION DUTIES OF INTELLIGENCE COMMUNITY.**

6 Title I of the National Security Act of 1947 (50
7 U.S.C. 3021 et seq.) is amended by inserting after section
8 116 the following new section (and conforming the table
9 of contents at the beginning of such Act accordingly):

10 **“SEC. 116A. AUTHORITY FOR TRANSPORTATION OF CER-**
11 **TAIN CANINES ASSOCIATED WITH FORCE**
12 **PROTECTION DUTIES OF INTELLIGENCE**
13 **COMMUNITY.**

14 “(a) **TRANSPORTATION.**—For purposes of section
15 1344 of title 31, United States Code, the transportation
16 of federally owned canines associated with force protection
17 duties of an element of the intelligence community be-
18 tween the residence of an officer or employee of the ele-
19 ment and various locations that is essential for the per-
20 formance of the force protection duty shall be deemed es-
21 sential for the safe and efficient performance of intel-
22 ligence duties.

23 “(b) **OFFICERS AND EMPLOYEES COVERED.**—In the
24 administration of section 1344 of title 31, United States
25 Code, an officer or employee of an element of the intel-

1 ligence community shall be treated as being listed in sub-
2 section (b).”.

3 **SEC. 311. DEVELOPMENT OF DEFINITIONS FOR CERTAIN**
4 **TERMS RELATING TO INTELLIGENCE.**

5 (a) DEVELOPMENT.—Not later than September 30,
6 2023, the Director of National Intelligence and the Under
7 Secretary of Defense for Intelligence and Security, in con-
8 sultation with the heads of the elements of the intelligence
9 community, shall jointly develop and publish definitions
10 for the following terms:

- 11 (1) Acoustic intelligence.
- 12 (2) All-source intelligence.
- 13 (3) Communications intelligence.
- 14 (4) Critical intelligence.
- 15 (5) Cyber-threat intelligence.
- 16 (6) Electronic intelligence.
- 17 (7) Explosive ordnance intelligence.
- 18 (8) General military intelligence.
- 19 (9) Imagery intelligence.
- 20 (10) Instrumentation signals intelligence.
- 21 (11) Intelligence-related activity.
- 22 (12) Joint intelligence.
- 23 (13) Measurement and signature intelligence.
- 24 (14) Medical intelligence.
- 25 (15) Open-source intelligence.

1 (16) Operational intelligence.

2 (17) Scientific and technical intelligence.

3 (18) Signals intelligence.

4 (19) Strategic intelligence.

5 (20) Tactical intelligence.

6 (21) Target intelligence.

7 (22) Technical intelligence.

8 (23) Such others terms as may be jointly deter-
9 mined necessary by the Director of National Intel-
10 ligence and the Under Secretary of Defense for In-
11 telligence.

12 (b) APPLICATION TO ACTIVITIES OF INTELLIGENCE
13 COMMUNITY.—The Director of National Intelligence shall
14 ensure that the definitions developed under subsection (a)
15 are used uniformly across activities of the intelligence
16 community with respect to the corresponding terms speci-
17 fied in such subsection.

18 (c) NOTICE OF MODIFICATIONS.—The Director of
19 National Intelligence and the Under Secretary of Defense
20 for Intelligence shall submit to the congressional intel-
21 ligence committees notification of any modification by the
22 Director and Under Secretary to a definition of a term
23 specified in subsection (a) following the initial publication
24 of the definition under such subsection.

1 (d) DEFINITIONS.—In this section, the terms “con-
2 gressional intelligence committees” and “intelligence com-
3 munity” have the meanings given such terms in section
4 3 of the National Security Act of 1947 (50 U.S.C. 3003).

5 **SEC. 312. SUPPORT FOR AND OVERSIGHT OF UNIDENTI-**
6 **FIED AERIAL PHENOMENA TASK FORCE.**

7 (a) AVAILABILITY OF DATA ON UNIDENTIFIED AER-
8 IAL PHENOMENA.—The Director of National Intelligence
9 shall ensure that each element of the intelligence commu-
10 nity with data relating to unidentified aerial phenomena
11 makes such data available immediately to the Unidentified
12 Aerial Phenomena Task Force, or successor entity, and
13 to the National Air and Space Intelligence Center.

14 (b) QUARTERLY REPORTS.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of the enactment of this Act, and not less
17 frequently than quarterly thereafter, the Unidenti-
18 fied Aerial Phenomena Task Force, or successor en-
19 tity, shall submit to the appropriate congressional
20 committees a report on the findings of the Unidenti-
21 fied Aerial Phenomena Task Force, or successor en-
22 tity.

23 (2) CONTENTS.—Each report submitted under
24 paragraph (1) shall include, at a minimum, the fol-
25 lowing:

1 (A) All reported unidentified aerial phe-
2 nomena-related events that occurred during the
3 period covered by the report.

4 (B) All reported unidentified aerial phe-
5 nomena-related events that occurred during a
6 period other than the period covered by the re-
7 port but were not included in an earlier report.

8 (3) FORM.—Each report submitted under para-
9 graph (1) shall be submitted in classified form, con-
10 sistent with the protection of intelligence sources
11 and methods.

12 (c) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means the following:

16 (A) The congressional intelligence commit-
17 tees.

18 (B) The Committees on Armed Services of
19 the House of Representatives and the Senate.

20 (2) UNIDENTIFIED AERIAL PHENOMENA TASK
21 FORCE.—The term “Unidentified Aerial Phenomena
22 Task Force” means the task force established by the
23 Department of Defense on August 4, 2020, to be led
24 by the Department of the Navy, under the Office of

1 the Under Secretary of Defense for Intelligence and
2 Security.

3 **TITLE IV—MATTERS RELATING**
4 **TO ELEMENTS OF THE INTEL-**
5 **LIGENCE COMMUNITY**

6 **Subtitle A—Office of the Director**
7 **of National Intelligence**

8 **SEC. 401. NATIONAL COUNTERPROLIFERATION AND BIO-**
9 **SECURITY CENTER.**

10 (a) REDESIGNATION OF CENTER.—Section 119A of
11 the National Security Act of 1947 (50 U.S.C. 3057) is
12 amended by striking “National Counter Proliferation Cen-
13 ter” each place it appears and inserting “National
14 Counterproliferation and Biosecurity Center”.

15 (b) ESTABLISHMENT AND HEAD.—Subsection (a) of
16 such section is amended—

17 (1) in paragraph (1)—

18 (A) by striking “government tools to pre-
19 vent” and inserting “government tools to—
20 “(A) prevent”;

21 (B) by striking the period at the end and
22 inserting “; and”; and

23 (C) by adding at the end the following new
24 paragraph:

1 “(2) lead integration and mission management
2 of all intelligence activities pertaining to biosecurity
3 and foreign biological threats.”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(4) The Director of the National Counterprolifera-
7 tion and Biosecurity Center shall serve as the principal
8 coordinator for the intelligence community, and as the
9 principal advisor to the Director of National Intelligence,
10 with respect to biosecurity and foreign biological threats.”.

11 (c) MISSIONS AND OBJECTIVES.—Subsection (b) of
12 such section is amended—

13 (1) by redesignating paragraphs (1) through
14 (7) as subparagraphs (A) through (G), respectively,
15 and moving such subparagraphs, as so redesignated,
16 2 ems to the right;

17 (2) in the matter preceding subparagraph (A),
18 as so redesignated, by striking “In establishing” and
19 inserting the following:

20 “(1) COUNTERPROLIFERATION.—In estab-
21 lishing”; and

22 (3) by adding at the end the following new
23 paragraph:

24 “(2) BIOSECURITY.—In establishing the Na-
25 tional Counterproliferation and Biosecurity Center,

1 the President shall address the following missions
2 and objectives to ensure that the Center serves as
3 the lead for the intelligence community for the inte-
4 gration, mission management, and coordination of
5 intelligence activities pertaining to biosecurity and
6 foreign biological threats, regardless of origin:

7 “(A) Ensuring that the elements of the in-
8 telligence community provide timely and effec-
9 tive warnings to the President and the Director
10 of National Intelligence regarding emerging for-
11 eign biological threats, including diseases with
12 pandemic potential.

13 “(B) Overseeing and coordinating the col-
14 lection and analysis of intelligence on biosecu-
15 rity and foreign biological threats in support of
16 the intelligence needs of the Federal depart-
17 ments and agencies responsible for public
18 health, including by conveying collection prior-
19 ities to elements of the intelligence community.

20 “(C) Coordinating intelligence support to
21 the Federal departments and agencies respon-
22 sible for public health, including by ensuring
23 that intelligence pertaining to biosecurity and
24 foreign biological threats is disseminated among

1 appropriately cleared personnel of such depart-
2 ments and agencies.

3 “(D) Coordinating with the Federal de-
4 partments and agencies responsible for public
5 health to encourage information sharing with
6 the intelligence community.

7 “(E) Identifying gaps in the capabilities of
8 the intelligence community regarding biosecu-
9 rity and countering foreign biological threats
10 and providing to the Director of National Intel-
11 ligence recommended solutions for such gaps,
12 including by encouraging research and develop-
13 ment of new capabilities to counter foreign bio-
14 logical threats.”.

15 (d) CONFORMING AMENDMENTS.—Such section is
16 further amended—

17 (1) by striking “counter proliferation” each
18 place it appears and inserting “counterprolifera-
19 tion”; and

20 (2) in the section heading, by striking
21 “COUNTER PROLIFERATION” and inserting
22 “COUNTERPROLIFERATION AND BIOSECURITY” (and
23 conforming the table of sections at the beginning of
24 such Act accordingly).

1 (e) REFERENCES.—Any reference in any law, regula-
2 tion, guidance, instruction, or other document of the
3 United States Government to the National Counter Pro-
4 liferation Center shall be deemed to refer to the National
5 Counterproliferation and Biosecurity Center.

6 **SEC. 402. CLARIFICATION OF CERTAIN RESPONSIBILITY OF**
7 **THE DIRECTOR OF NATIONAL INTEL-**
8 **LIGENCE.**

9 Section 102A(f)(8) of the National Security Act of
10 1947 (50 U.S.C. 3024(f)(8)) is amended by striking “such
11 other functions” and inserting “such other intelligence-re-
12 lated functions”.

13 **SEC. 403. RESPONSIBILITY OF DIRECTOR OF NATIONAL IN-**
14 **TELLIGENCE REGARDING NATIONAL INTEL-**
15 **LIGENCE PROGRAM BUDGET CONCERNING**
16 **FEDERAL BUREAU OF INVESTIGATION.**

17 Section 102A of the National Security Act of 1947
18 (50 U.S.C. 3024) is amended by adding at the end the
19 following new subsection:

20 “(aa) RESPONSIBILITY OF DIRECTOR OF NATIONAL
21 INTELLIGENCE REGARDING NATIONAL INTELLIGENCE
22 PROGRAM BUDGET CONCERNING FEDERAL BUREAU OF
23 INVESTIGATION.—(1) Consistent with subsection
24 (c)(5)(C), the Director of National Intelligence shall, after
25 consultation with the Director of the Federal Bureau of

1 Investigation, ensure that the programs and activities of
2 the Federal Bureau of Investigation that are part of the
3 National Intelligence Program are executed in a manner
4 that conforms with the requirements of the national intel-
5 ligence strategy under section 108A and the National In-
6 telligence Priorities Framework of the Office of the Direc-
7 tor of National Intelligence (or any successor mechanism
8 established for the prioritization of such programs and ac-
9 tivities).

10 “(2) Consistent with subsection (c)(5)(C), the Direc-
11 tor of National Intelligence shall ensure that the programs
12 and activities that are part of the National Intelligence
13 Program, including those of the Federal Bureau of Inves-
14 tigation, are structured and executed in a manner than
15 enables budget traceability.”.

16 **SEC. 404. CLIMATE SECURITY ADVISORY COUNCIL.**

17 (a) REPORTS.—Subsection (d) of section 120 of the
18 National Security Act of 1947 (50 U.S.C. 3060) is amend-
19 ed—

20 (1) by striking “Not later” and inserting the
21 following:

22 “(1) REQUIREMENT.—Not later”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(2) MATTERS INCLUDED.—Each report under
2 paragraph (1) shall include a description of any ob-
3 stacles or gaps relating to—

4 “(A) the Council fulfilling its duties and
5 responsibilities under subsection (c); or

6 “(B) the responsiveness of the intelligence
7 community to the climate security needs and
8 priorities of the policymaking elements of the
9 Federal Government.”.

10 (b) EXTENSION OF SUNSET; TECHNICAL AMEND-
11 MENTS.—Such section 120 is amended—

12 (1) in subsection (b)(1)(B)(v), by inserting
13 “and Security” after “for Intelligence”;

14 (2) by redesignating the second subsection (e)
15 as subsection (f); and

16 (3) in subsection (e), by striking “the date that
17 is 4 years after the date of the enactment of this
18 section” and inserting “December 31, 2025”.

19 **Subtitle B—Other Elements**

20 **SEC. 411. PROTECTION OF CERTAIN FACILITIES AND AS-** 21 **SETS OF CENTRAL INTELLIGENCE AGENCY** 22 **FROM UNMANNED AIRCRAFT.**

23 The Central Intelligence Agency Act of 1949 (50
24 U.S.C. 3501 et seq.) is amended by inserting after section
25 15 the following new section:

1 **“SEC. 15A. PROTECTION OF CERTAIN FACILITIES AND AS-**
2 **SETS OF CENTRAL INTELLIGENCE AGENCY**
3 **FROM UNMANNED AIRCRAFT.**

4 “(a) **AUTHORITY.**—In accordance with subsection
5 (b), the Director shall have the same authority for the
6 Agency as is available to the Secretary of Homeland Secu-
7 rity for the Department of Homeland Security and the At-
8 torney General for the Department of Justice under sec-
9 tion 210G of the Homeland Security Act of 2002 (6
10 U.S.C. 124n), and shall be subject to the same limitations
11 and requirements under such section.

12 “(b) **ADMINISTRATION.**—For purposes of subsection
13 (a)—

14 “(1) the reference in subsection (i) of section
15 210G of the Homeland Security Act of 2002 (6
16 U.S.C. 124n) to ‘the date that is 4 years after the
17 date of enactment of this section’ shall be deemed to
18 be a reference to ‘October 5, 2026’;

19 “(2) the term ‘appropriate congressional com-
20 mittees’ as defined in paragraph (1) of subsection
21 (k) of such section shall be deemed to mean the Per-
22 manent Select Committee on Intelligence of the
23 House of Representatives and the Select Committee
24 on Intelligence of the Senate; and

25 “(3) the term ‘covered facility or asset’ as de-
26 fined in paragraph (3) of such subsection (k) shall

1 be deemed to mean installations, property, and per-
2 sons—

3 “(A) that are located in the United States;

4 “(B) for which the Director may provide
5 protection pursuant to section 5(a)(4) or
6 15(a)(1) of this Act; and

7 “(C) that the Director identifies as high-
8 risk and a potential target for unlawful un-
9 manned aircraft activity.”.

10 **SEC. 412. MODIFICATION OF NATIONAL GEOSPATIAL-IN-**
11 **TELLIGENCE AGENCY PERSONNEL MANAGE-**
12 **MENT AUTHORITY TO ATTRACT EXPERTS IN**
13 **SCIENCE AND ENGINEERING.**

14 Section 1599h(b)(2)(A) of title 10, United States
15 Code, is amended—

16 (1) by striking “paragraph (1)(B)” and insert-
17 ing “subparagraph (B) of paragraph (1)”; and

18 (2) by inserting “or employees appointed pursu-
19 ant to the first subparagraph (G) of such paragraph
20 to any of 2 positions of administration or manage-
21 ment designated by the Director of the National
22 Geospatial-Intelligence Agency for purposes of this
23 subparagraph” after “this subparagraph”.

1 **SEC. 413. REQUIREMENTS FOR TERMINATION OF DUAL-HAT**
2 **ARRANGEMENT FOR COMMANDER OF THE**
3 **UNITED STATES CYBER COMMAND.**

4 Section 1642 of the National Defense Authorization
5 Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
6 2601), as amended by section 1636 of the National De-
7 fense Authorization Act for Fiscal Year 2020 (Public Law
8 116–92; 133 Stat. 1748), is further amended—

9 (1) by striking subsections (a), (b), and (c), and
10 inserting the following new subsections:

11 “(a) **LIMITATION ON TERMINATION OF DUAL-HAT**
12 **ARRANGEMENT.**—The Secretary of Defense may not ter-
13 minate the dual-hat arrangement until the date on which
14 the Secretary submits to the appropriate committees of
15 Congress the certification under subsection (b)(1). The
16 Secretary shall implement such termination by not later
17 than the first day of the fiscal year following the fiscal
18 year in which the Secretary submits such certification.

19 “(b) **ANNUAL SUBMISSION OF INFORMATION.**—To-
20 gether with the defense budget materials for fiscal year
21 2023, and annually thereafter until the termination of the
22 dual-hat arrangement, the Secretary of Defense, in coordi-
23 nation with the Director of National Intelligence, shall
24 submit to the appropriate committees of Congress a report
25 containing either of the following:

1 “(1) A certification that the United States
2 Cyber Command has met each of the following con-
3 ditions:

4 “(A) Sufficient operational infrastructure
5 has been deployed to meet the unique cyber
6 mission needs of the United States Cyber Com-
7 mand.

8 “(B) Sufficient command and control sys-
9 tems and processes have been established for
10 planning, deconflicting, and executing military
11 cyber operations.

12 “(C) Capabilities have been established to
13 enable intelligence collection and operational
14 preparation of the environment for cyber oper-
15 ations consistent with the United States Cyber
16 Command reaching full operational status.

17 “(D) Mechanisms have been established to
18 train cyber operations personnel, test cyber ca-
19 pabilities, and rehearse cyber missions.

20 “(E) The United States Cyber Command
21 has achieved full operational capability.

22 “(2) If the Secretary, in coordination with the
23 Director, is not able to make the certification under
24 paragraph (1)—

1 “(A) an identification of the items con-
2 tained in the defense budget materials that are
3 related to meeting the conditions specified in
4 such paragraph; and

5 “(B) an assessment of the funding re-
6 quired to meet such conditions during the pe-
7 riod covered by the future-years defense pro-
8 gram under section 221 of title 10, United
9 States Code.”;

10 (2) by redesignating subsection (d) as sub-
11 section (c); and

12 (3) in subsection (c), as so redesignated, by
13 adding at the end the following new paragraph:

14 “(3) DEFENSE BUDGET MATERIALS.—The term
15 ‘defense budget materials’ has the meaning given
16 that term in section 231(f) of title 10, United States
17 Code.”.

18 **SEC. 414. NATIONAL SPACE INTELLIGENCE CENTER.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) Section 9081 of title 10, United States
21 Code, establishes the United States Space Force as
22 an Armed Force within the Department of the Air
23 Force to, as stated in subsection (c) of such sec-
24 tion—

1 (A) provide freedom of operation for the
2 United States in, from, and to space;

3 (B) conduct space operations; and

4 (C) protect the interests of the United
5 States in space.

6 (2) The National Air and Space Intelligence
7 Center, headquartered at Wright-Patterson Air
8 Force Base, Ohio, is the primary source for foreign
9 air and space threat analysis within the intelligence
10 enterprise of the Air Force.

11 (3) Section 8041 of the Department of Defense
12 Appropriations Act, 2020 (division A of Public Law
13 116–93; 133 Stat. 2345) prohibits the establishment
14 of a new field operating agency using funds made
15 available under that Act, although the Secretary of
16 Defense or the Secretary of a military department
17 may waive the prohibition in cases where the rel-
18 evant Secretary determines that the establishment
19 will reduce the personnel or financial requirements
20 of the relevant department.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) space has become increasingly contested,
24 congested, and competitive, mandating an expanded
25 need for space intelligence;

1 (2) to support this increasingly complex oper-
2 ational environment, the Space Force should have its
3 own intelligence organization dedicated to providing
4 the Joint Combat forces with the required intel-
5 ligence and analysis to support operations;

6 (3) a prominent factor in the basing decision
7 should consider that co-locating the National Space
8 Intelligence Center with the National Air and Space
9 Intelligence Center at Wright-Patterson Air Force
10 Base will provide an operational and geographic syn-
11 ergy which will greatly benefit combat operations
12 across the air and space operational environments;

13 (4) the Air Force has requested authority to es-
14 tablish the National Space Intelligence Center as a
15 field operating agency to ensure the appropriate
16 prioritization of analytic effort for the space domain,
17 enhance responsiveness to national-level customers,
18 and align command relationships with the Director
19 of Intelligence, Surveillance, and Reconnaissance of
20 the Space Force; and

21 (5) establishing the National Space Intelligence
22 Center as a field operating agency would be a re-
23 source-neutral administrative realignment of billets,
24 and would facilitate a lean and agile space intel-
25 ligence enterprise.

1 (c) EXCEPTION.—Notwithstanding section 8041 of
2 the Department of Defense Appropriations Act, 2020 (di-
3 vision A of Public Law 116–93; 133 Stat. 2345), or any
4 other provision of law prohibiting the establishment of a
5 field operating agency, the Secretary of the Air Force may
6 establish the National Space Intelligence Center as a field
7 operating agency of the Space Force to perform the anal-
8 ysis and production of scientific and technical intelligence
9 on foreign space and counter-space threat capabilities in
10 the support of the Space Force.

11 **SEC. 415. PROCUREMENT BY FEDERAL BUREAU OF INVES-**
12 **TIGATION OF CHINESE PRODUCTS AND SERV-**
13 **ICES.**

14 (a) SECURITY ASSESSMENT.—The Director of the
15 Federal Bureau of Investigation may not procure a Chi-
16 nese product or service unless, before such procurement,
17 the Counterintelligence Division of the Federal Bureau of
18 Investigation—

19 (1) conducts a security assessment of such
20 product or service, including with respect to any
21 physical or cyber vulnerabilities; and

22 (2) makes a recommendation to the Director re-
23 garding such proposed procurement.

24 (b) SUBMISSION.—Not later than 30 days after the
25 date on which the Counterintelligence Division of the Bu-

1 reau conducts a security assessment under subsection (a),
2 the Director shall submit to the congressional intelligence
3 committees a copy of such assessment and the rec-
4 ommendation under paragraph (2) of such subsection.

5 (c) CHINESE PRODUCT OR SERVICE DEFINED.—In
6 this section, the term “Chinese product or service” means
7 a product or service provided by an entity that is owned
8 or controlled by, or otherwise connected to, the govern-
9 ment of China.

10 **SEC. 416. COUNTERINTELLIGENCE UNITS AT NON-INTEL-**
11 **LIGENCE COMMUNITY FEDERAL DEPART-**
12 **MENTS AND AGENCIES.**

13 (a) ESTABLISHMENT.—The Director of the Federal
14 Bureau of Investigation shall establish counterintelligence
15 units in the departments and agencies described in sub-
16 section (b). Such units shall be composed of officers of
17 the Counterintelligence Division of the Federal Bureau of
18 Investigation.

19 (b) DEPARTMENTS AND AGENCIES DESCRIBED.—
20 The departments and agencies described in this subsection
21 are the following departments and agencies of the United
22 States Government:

23 (1) The Department of Agriculture.

1 (2) Any other department or agency that the
2 Director, in coordination with the Director of Na-
3 tional Intelligence, determines appropriate.

4 (c) DUTIES.—The Director of the Federal Bureau of
5 Investigation shall ensure that each counterintelligence
6 unit established under subsection (a) in a department or
7 agency described in subsection (b) carries out the fol-
8 lowing duties:

9 (1) Conducts assessments, in coordination with
10 the leadership of the department or agency, to deter-
11 mine the counterintelligence posture of the depart-
12 ment or agency, including any components thereof.

13 (2) Informs and consults with the leadership of
14 the department or agency, including any components
15 thereof, and provides recommendations with respect
16 to any counterintelligence threats identified by the
17 intelligence community.

18 (3) Provides such administrative and technical
19 support as is necessary to develop, in coordination
20 with the leadership of the department or agency, a
21 plan to eliminate or reduce the threats described in
22 paragraph (2).

23 (4) Serves as the primary point of contact for
24 the department or agency with respect to counter-
25 intelligence for the intelligence community.

1 (d) INTELLIGENCE COMMUNITY SUPPORT.—The
2 heads of the elements of the intelligence community shall
3 ensure that relevant counterintelligence information is
4 provided to counterintelligence units established under
5 subsection (a) in a manner that is consistent with the need
6 to protect sources and methods.

7 **SEC. 417. DETECTION AND MONITORING OF WILDFIRES.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the Director of the National Geospatial-Intel-
10 ligence Agency, in accordance with relevant provisions of
11 law, should continue to manage the systems of the Na-
12 tional Geospatial-Intelligence Agency that enable the
13 FireGuard program of the Department of Defense.

14 (b) REPORT.—Not later than 120 days after the date
15 of the enactment of this Act, the Director of the National
16 Geospatial-Intelligence Agency, in consultation with the
17 Secretary of Defense and the heads of the departments
18 and agencies of the United States Government and other
19 organizations that constitute the National Interagency
20 Fire Center, and any other relevant organization the Di-
21 rector determines appropriate, shall submit to the appro-
22 priate congressional committees a coordinated interagency
23 report that—

24 (1) explains how to leverage existing resources
25 to improve processes and organization alignment;

1 (2) identifies future opportunities to improve
2 the ability to detect and track wildfires and support
3 firefighting efforts; and

4 (3) includes an explication of the relevant au-
5 thorities with respect to the matters under para-
6 graphs (1) and (2).

7 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
8 FINED.—In this section, the term “appropriate congres-
9 sional committees” means—

10 (1) the congressional intelligence committees;
11 and

12 (2) the congressional defense committees (as
13 defined in section 101(a)(16) of title 10, United
14 States Code).

15 **TITLE V—ANOMALOUS HEALTH**
16 **INCIDENTS AND OTHER**
17 **HEALTH CARE MATTERS**

18 **SEC. 501. COMPENSATION AND PROFESSIONAL STANDARDS**
19 **FOR CERTAIN MEDICAL OFFICERS OF THE**
20 **CENTRAL INTELLIGENCE AGENCY.**

21 The Central Intelligence Agency Act of 1949 (50
22 U.S.C. 3501 et seq.) is amended by adding at the end
23 the following new section:

1 **“SEC. 26. COMPENSATION AND PROFESSIONAL STANDARDS**
2 **FOR CERTAIN MEDICAL OFFICERS.**

3 “(a) OFFICE OF MEDICAL SERVICES.—There is in
4 the Agency an Office of Medical Services.

5 “(b) COMPENSATION.—Beginning not later than 1
6 year after the date of the enactment of the Intelligence
7 Authorization Act for Fiscal Year 2022, each medical offi-
8 cer of the Office of Medical Services who meets the quali-
9 fications under subsection (c) shall be compensated during
10 a pay period pursuant to a pay range that is equal to the
11 pay range published in the Federal Register pursuant to
12 section 7431(e)(1)(C) of title 38, United States Code (for
13 the corresponding pay period), for a physician in the Vet-
14 erans Health Administration in the District of Columbia
15 region with a medical subspecialty that is the equivalent
16 of the medical subspecialty of the officer.

17 “(c) CLINICAL PRACTICE QUALIFICATIONS.—A med-
18 ical officer meets the qualifications under this subsection
19 if the officer provides direct care services to patients in
20 connection with the official duties of the officer and—

21 “(1) maintains current, active, full, and unre-
22 stricted licensure or registration as a physician from
23 a State, the District of Columbia, or a common-
24 wealth or territory of the United States;

1 “(2) holds active board certification and main-
2 tains accreditation in an American Board of Medical
3 Specialties direct care clinical specialty; and

4 “(3) except as provided in subsection (d), main-
5 tains a minimum of 160 hours per year of clinical
6 practice in an accredited clinic or hospital facility
7 that is not affiliated with the Central Intelligence
8 Agency.

9 “(d) EXCEPTION FOR OVERSEAS SERVICE.—If a
10 medical officer is a medical officer located in a duty sta-
11 tion outside of the United States pursuant to a permanent
12 change of station and greater than 50 percent of the offi-
13 cial duties of the officer in such duty station involve direct
14 patient care, the officer, in lieu of performing the min-
15 imum hours under subsection (c)(3) on an annual basis,
16 may perform up to 480 hours of clinical practice as speci-
17 fied in such subsection prior to such change of station,
18 to fulfil in advance the requirement under such subsection
19 for up to 3 years.

20 “(e) CLINICAL PRACTICE HOURS.—The head of the
21 Office of Medical Services shall make available to medical
22 officers excused absence time to allow for the maintenance
23 of clinical practice hours in accordance with subsection
24 (c)(3).”.

1 **SEC. 502. MEDICAL ADVISORY BOARD OF THE CENTRAL IN-**
2 **TELLIGENCE AGENCY.**

3 (a) ESTABLISHMENT.—The Central Intelligence
4 Agency Act of 1949 (50 U.S.C. 3501 et seq.), as amended
5 by section 501, is further amended by adding at the end
6 the following new section:

7 **“SEC. 27. MEDICAL ADVISORY BOARD.**

8 “(a) ESTABLISHMENT.—The Director shall establish
9 within the Agency a medical advisory board (in this sec-
10 tion referred to as the ‘Board’).

11 “(b) DUTIES.—The Board shall—

12 “(1) conduct a study on the Office of Medical
13 Services of the Agency, and submit reports regard-
14 ing such study, in accordance with subsection (c);
15 and

16 “(2) upon request, provide advice and guidance
17 in connection with any independent review of the Of-
18 fice conducted by an inspector general.

19 “(c) STUDY.—

20 “(1) OBJECTIVES.—In conducting the study
21 under subsection (b)(1), the Board shall seek to—

22 “(A) contribute to the modernization and
23 reform of the Office of Medical Services;

24 “(B) ensure that the activities of the Of-
25 fice are of the highest professional quality; and

1 “(C) ensure that all medical care provided
2 by the Office is provided in accordance with the
3 highest professional medical standards.

4 “(2) REPORTS.—The Board shall submit to the
5 congressional intelligence committees, in writing—

6 “(A) interim reports on the study; and

7 “(B) a final report on the study, which
8 shall—

9 “(i) set forth in detail the findings of
10 the study and the recommendations of the
11 Board, based on such findings and taking
12 into consideration the objectives under
13 paragraph (1), regarding any changes to
14 the activities of the Office of Medical Serv-
15 ices; and

16 “(ii) include, as applicable, any addi-
17 tional or dissenting views submitted by a
18 member of the Board.

19 “(d) MEMBERSHIP.—

20 “(1) NUMBER AND APPOINTMENT.—The Board
21 shall be composed of 11 members, appointed as fol-
22 lows:

23 “(A) 2 members appointed by the Chair-
24 man of the Permanent Select Committee on In-
25 telligence of the House of Representatives.

1 “(B) 2 members appointed by the ranking
2 minority member of the Permanent Select Com-
3 mittee on Intelligence of the House of Rep-
4 resentatives.

5 “(C) 2 members appointed by the Chair-
6 man of the Select Committee on Intelligence of
7 the Senate.

8 “(D) 2 members appointed by the Vice
9 Chairman of the Select Committee on Intel-
10 ligence of the Senate.

11 “(E) 3 members appointed by the Director
12 of National Intelligence.

13 “(2) CHAIRPERSON.—During the first meeting
14 under subsection (e)(1), the members of the Board
15 shall elect a Chairperson of the Board. In addition
16 to meeting the criteria under paragraph (3), the
17 Chairperson may not be an employee, or former em-
18 ployee, of the Agency.

19 “(3) CRITERIA.—The members appointed under
20 paragraph (1) shall meet the following criteria:

21 “(A) Each member shall be a recognized
22 expert in at least 1 medical field, as dem-
23 onstrated by appropriate credentials.

1 “(B) Each member shall possess signifi-
2 cant and diverse medical experience, including
3 clinical experience.

4 “(C) Each member shall hold a security
5 clearance at the top secret level and be able to
6 access sensitive compartmented information.

7 “(4) TERMS.—

8 “(A) IN GENERAL.—Each member, includ-
9 ing the Chairperson, shall be appointed or elect-
10 ed, as applicable, for the life of the Board.

11 “(B) VACANCIES.—Any vacancy in the
12 Board occurring prior to the expiration of the
13 term under subparagraph (A) shall be filled in
14 the manner in which the original appointment
15 or election was made.

16 “(5) COMPENSATION AND TRAVEL EX-
17 PENSES.—

18 “(A) COMPENSATION.—Except as provided
19 in subparagraph (B), each member of the
20 Board, including the Chairperson, may be com-
21 pensated at not to exceed the daily equivalent
22 of the annual rate of basic pay in effect for a
23 position at level IV of the Executive Schedule
24 under section 5315 of title 5, United States
25 Code, for each day during which that member

1 is engaged in the actual performance of the du-
2 ties under subsection (b).

3 “(B) EXCEPTION FOR FEDERAL EMPLOY-
4 EES.—Members of the Board, including the
5 Chairperson, who are officers or employees of
6 the United States shall receive no additional
7 pay by reason of the service of the member on
8 the Board.

9 “(C) TRAVEL EXPENSES.—Each member
10 of the Board, including the Chairperson, while
11 away from the home or regular places of busi-
12 ness of the member in the performance of serv-
13 ices for the Board, may be allowed travel ex-
14 penses, including per diem in lieu of subsist-
15 ence, in the same manner as persons employed
16 intermittently in the Government service are al-
17 lowed expenses under section 5703 of title 5,
18 United States Code.

19 “(6) DETAILEES.—

20 “(A) IN GENERAL.—Upon request of the
21 Board, the Director of National Intelligence
22 may detail to the Board, without reimburse-
23 ment from the Board, any of the personnel of
24 the Office of the Director of National Intel-
25 ligence to assist in carrying out the duties

1 under subsection (b). Any such detailed per-
2 sonnel shall retain the rights, status, and privi-
3 leges of the regular employment of the per-
4 sonnel without interruption.

5 “(B) CLEARANCE.—Any personnel detailed
6 to the Board under subparagraph (A) shall pos-
7 sess a security clearance in accordance with ap-
8 plicable laws and regulations concerning the
9 handling of classified information.

10 “(e) MEETINGS.—

11 “(1) BOARD MEETINGS.—The Board shall meet
12 not less frequently than on a quarterly basis.

13 “(2) MEETINGS WITH CONGRESS.—The Board
14 shall meet with the congressional intelligence com-
15 mittees on a biannual basis.

16 “(f) INFORMATION ACCESS.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), the Board may secure directly from any
19 department or agency of the United States Govern-
20 ment information necessary to enable it to carry out
21 the duties under subsection (b) and, upon request of
22 the Chairperson of the Board, the head of that de-
23 partment or agency shall furnish such information to
24 the Board.

1 “(2) EXCEPTION.—The Director (without dele-
2 gation) may deny a request for information made by
3 the Board pursuant to paragraph (1), regardless of
4 the agency from which such information is re-
5 quested.

6 “(3) NOTIFICATION REQUIREMENT.—If the Di-
7 rector denies a request under paragraph (2), not
8 later than 15 days after the date of such denial, the
9 Director shall submit to the congressional intel-
10 ligence committees a written notification of such de-
11 nial.

12 “(4) BRIEFINGS.—The Director shall ensure
13 that the Board receives comprehensive briefings on
14 all activities of the Office, including by promptly
15 scheduling such briefings at the request of the
16 Board.

17 “(g) TERMINATION.—The Board shall terminate on
18 the date that is 5 years after the date of the first meeting
19 of the Board.

20 “(h) DEFINITIONS.—In this section, the terms ‘con-
21 gressional intelligence committees’ and ‘intelligence com-
22 munity’ have the meanings given such terms in section
23 3 of the National Security Act of 1947 (50 U.S.C.
24 3003).”.

1 (b) DEADLINE FOR APPOINTMENTS; FIRST MEET-
2 INGS.—

3 (1) DEADLINE FOR APPOINTMENTS.—Each
4 member of the medical advisory board established
5 under section 27 of the Central Intelligence Agency
6 Act of 1949 (as added by subsection (a)), including
7 the Chairperson, shall be appointed or elected, as
8 applicable, in accordance with subsection (d) of such
9 section by not later than 45 days after the date of
10 the enactment of this Act.

11 (2) FIRST BOARD MEETING.—Not later than 30
12 days after the first date on which at least 7 mem-
13 bers of the Board described in paragraph (1) hold
14 the security clearance and are able to access infor-
15 mation in accordance with subsection (d)(3)(C) of
16 such section 27, the Board shall meet. During such
17 meeting, the Director of the Central Intelligence
18 Agency shall provide to the Board a comprehensive
19 briefing on all aspects of the Office of Medical Serv-
20 ices of the Central Intelligence Agency.

21 (3) FIRST MEETING WITH CONGRESS.—Not
22 later than 30 days after the date of the briefing
23 under paragraph (2), the Board described in such
24 paragraph shall meet with the staff members of the
25 congressional intelligence committees to discuss top-

1 ics for the Board to examine in carrying out the du-
2 ties under subsection (b) of such section 27.

3 **SEC. 503. REPORT ON PROTOCOLS FOR CERTAIN INTEL-**
4 **LIGENCE COMMUNITY EMPLOYEES AND DE-**
5 **PENDENTS.**

6 (a) IN GENERAL.—Beginning not later than 180
7 days after the date of enactment of this Act, the President
8 shall develop, for uniform implementation across the ele-
9 ments of the intelligence community, each of the protocols
10 described in subsections (c) through (f). Such protocols
11 shall be subject to review and revision on a periodic basis,
12 and any implementation of such protocols shall be con-
13 ducted in accordance with applicable laws and current
14 clinical and professional practices of the interagency med-
15 ical community.

16 (b) PRIVACY.—No data collected pursuant to any
17 protocol under this section may be used for research or
18 analytical purposes without the written consent of the in-
19 dividual from whom such data was collected with respect
20 to such use.

21 (c) PROTOCOL ON BASELINE MEDICAL TESTING.—
22 The protocol described in this subsection is a protocol for
23 conducting baseline medical testing of covered employees,
24 covered individuals, and the dependents of covered employ-
25 ees who are included on the overseas travel orders of the

1 covered employee, with respect to anomalous health inci-
2 dents. Such protocol shall set forth the required elements
3 of such baseline medical testing, such as—

4 (1) standard lab collection and testing of rel-
5 evant biofluids;

6 (2) the conduct of relevant visual and auditory
7 examinations;

8 (3) the conduct of Acquired Brain Injury Tool
9 assessments, or other relevant assessments for bal-
10 ance, eye motion, and cognition;

11 (4) the assessment of relevant medical histories;
12 and

13 (5) the conduct of any other standard relevant
14 medical or neurological examinations, testing, or as-
15 sessments.

16 (d) PROTOCOLS ON POST-INCIDENT MEDICAL TEST-
17 ING.—The protocols described in this subsection are pro-
18 tocols to enable voluntary medical testing and the coordi-
19 nation of treatment for covered employees, covered indi-
20 viduals, and the dependents of covered employees, fol-
21 lowing a reported anomalous health incident, such as—

22 (1) a protocol that sets forth elements, similar
23 to the elements described in subsection (c), of such
24 testing;

1 (2) a protocol pertaining to the voluntary test-
2 ing and treatment for victims of anomalous health
3 incidents who are children;

4 (3) a protocol for ensuring that all victims of
5 anomalous health incidents receive access to prompt
6 and consistent medical treatment, including from
7 medical professionals holding appropriate security
8 clearances and medical professionals with expertise
9 in child care;

10 (4) a protocol for ensuring that all victims of
11 anomalous health incidents are offered options for
12 psychological treatment for the effects of such inci-
13 dents; and

14 (5) a protocol for ensuring that any testing,
15 evaluation, or collection of biofluids or other samples
16 following a reported anomalous health incident may
17 be compared against the baseline for the victim of
18 the anomalous health incident, to the extent the in-
19 dividual participated in the baseline medical testing,
20 consistent with subsections (b) and (c).

21 (e) **PROTOCOL ON INFORMATION COLLECTION, STOR-**
22 **AGE, AND SAFEGUARDING.**—The protocol described in this
23 subsection is a protocol for the collection, storage, and
24 safeguarding of information acquired as a result of the
25 protocols described in subsections (c) and (d).

1 (f) PROTOCOL ON REPORTING MECHANISMS.—The
2 protocol described in this subsection is a protocol for the
3 reporting of matters relating to anomalous health inci-
4 dents by covered employees, covered individuals, and the
5 dependents of covered employees, including the develop-
6 ment of a system for the adjudication of complaints re-
7 garding medical treatment received by such covered em-
8 ployees, covered individuals, and dependents of covered
9 employees.

10 (g) REPORT AND BRIEFINGS.—

11 (1) REPORT.—Not later than 180 days after
12 the date of the enactment of this Act, the Director
13 of National Intelligence shall submit to the congress-
14 sional intelligence committees a report on the proto-
15 cols described in subsections (c) through (f).

16 (2) ELEMENTS.—Such report shall include the
17 following elements:

18 (A) A copy of each protocol under this sec-
19 tion.

20 (B) A description of the following:

21 (i) Any interagency agreements, au-
22 thorities, or policies required to effectively
23 implement the protocols under this section.

24 (ii) Any new facilities, medical equip-
25 ment, tools, training, or other resources re-

1 quired to effectively implement such proto-
2 cols.

3 (C) A timeline for the implementation of
4 the protocols under this section, including a
5 proposal for the prioritization of implementa-
6 tion with respect to various categories of cov-
7 ered employees and the dependents of covered
8 employees.

9 (3) BRIEFING.—Not later than 60 days fol-
10 lowing the date of submission of the report under
11 paragraph (1), and biannually thereafter, the Direc-
12 tor shall provide to the congressional intelligence
13 committees a briefing regarding the implementation
14 of the protocols under this section.

15 (h) DEFINITIONS.—In this section:

16 (1) COVERED EMPLOYEE.—The term “covered
17 employee” means an individual who is an employee,
18 assignee, or detailee of an element of the intelligence
19 community.

20 (2) COVERED INDIVIDUAL.—The term “covered
21 individual” means a contractor to an element of the
22 intelligence community.

23 (3) DEPENDENT OF A COVERED EMPLOYEE.—
24 The term “dependent of a covered employee” means,
25 with respect to a covered employee, a family member

1 (including a child), as defined by the Director of Na-
2 tional Intelligence.

3 (4) VICTIM OF AN ANOMALOUS HEALTH INCI-
4 DENT.—The term “victim of an anomalous health
5 incident” means a covered employee, covered indi-
6 vidual, or dependent of a covered employee, who is,
7 or is suspected to have been, affected by an anoma-
8 lous health incident.

9 **SEC. 504. INSPECTOR GENERAL OF THE CENTRAL INTEL-**
10 **LIGENCE AGENCY REVIEW OF OFFICE OF**
11 **MEDICAL SERVICES.**

12 (a) REVIEW.—Not later than one year after the date
13 of the enactment of this Act, the Inspector General of the
14 Central Intelligence Agency, in coordination with, and
15 with the support of, the Inspector General of the Intel-
16 ligence Community, shall submit to the congressional in-
17 telligence committees a report containing a review of the
18 responsibilities, authorities, resources, and performance of
19 the Office of Medical Services of the Central Intelligence
20 Agency (in this section referred to as the “Office”).

21 (b) MATTERS INCLUDED.—The review under sub-
22 section (a) shall include the following:

23 (1) A detailed description of the responsibilities
24 and authorities of the Office, as set forth in Federal

1 law and any applicable regulation, policy, or other
2 document of the Central Intelligence Agency.

3 (2) A detailed description of the budgetary,
4 human, and other resources available to the Office,
5 including with respect to employees and any other
6 personnel.

7 (3) An assessment of the ability of the Office
8 to consistently discharge the responsibilities of the
9 Office, with an emphasis on the provision of medical
10 treatment and care by personnel of the Office, in-
11 cluding with respect to—

12 (A) the roles of personnel of the Office,
13 and of senior officials of the Agency outside of
14 the Office, in determining what medical evalua-
15 tion, treatment, and care should be provided in
16 a particular case, including the provision of spe-
17 cialty care by medical personnel outside of the
18 Office;

19 (B) whether personnel of the Office con-
20 sistently provide appropriate and high-quality
21 medical treatment and care in accordance with
22 standards set independently by the professional
23 medical community;

24 (C) whether the Office has sufficient
25 human and other resources, including personnel

1 with specialized background, qualifications, or
2 expertise, to consistently provide high-quality
3 medical treatment and care in accordance with
4 standards set independently by the professional
5 medical community;

6 (D) whether personnel of the Office, in-
7 cluding personnel claiming specialized medical
8 backgrounds and expertise, are required by the
9 Agency to maintain current board certifications
10 or other certifications and licenses, and the ex-
11 tent to which the Office verifies such certifi-
12 cations and licenses;

13 (E) the extent to which the Office makes
14 consistent and effective use of the specialized
15 medical background, qualifications, and exper-
16 tise of the personnel of the Office in providing
17 medical treatment and care;

18 (F) an assessment of whether personnel of
19 the Office who provide medical treatment and
20 care, or who make decisions with respect to
21 such treatment or care, are required to have ex-
22 tensive clinical or other experience in directly
23 treating patients, including in areas requiring
24 specialized background, qualifications, or exper-
25 tise;

1 (G) any factors that have frustrated or de-
2 layed the provision of medical treatment and
3 care by personnel of the Office in significant
4 cases; and

5 (H) any factors that have frustrated or
6 could frustrate prompt detection, effective over-
7 sight, and swift remediation of problems within
8 the Office, including such factors that frustrate
9 or delay the provision of medical treatment and
10 care in significant cases.

11 (c) INDEPENDENT ADVICE.—In conducting the re-
12 view under subsection (a), the Inspector General may ob-
13 tain the advice of the medical advisory board established
14 under section 502.

15 (d) FORM.—The report under subsection (a) shall be
16 submitted in an unclassified form to the extent prac-
17 ticable, consistent with the protection of intelligence
18 sources and methods, but may include a classified annex.

19 **SEC. 505. CLARIFICATION OF EFFECT OF CERTAIN BENE-**
20 **FITS RELATING TO INJURIES TO THE BRAIN.**

21 (a) PERSONNEL OF CENTRAL INTELLIGENCE AGEN-
22 CY.—Subsection (d) of section 19A of the Central Intel-
23 ligence Agency Act of 1949 (50 U.S.C. 3519b), as added
24 by the HAVANA Act of 2021, is amended by adding at
25 the end the following new paragraph:

1 “(5) NO EFFECT ON OTHER BENEFITS.—Pay-
2 ments made under paragraph (2) are supplemental
3 to any other benefit furnished by the United States
4 Government for which a covered dependent, covered
5 employee, or covered individual is entitled, and the
6 receipt of such payments may not affect the eligi-
7 bility of such a person to any other benefit furnished
8 by the United States Government.”.

9 (b) PERSONNEL OF DEPARTMENT OF STATE.—Sub-
10 section (i) of section 901 of title IX of division J of the
11 Further Consolidated Appropriations Act, 2020 (22
12 U.S.C. 2680b), as added by the HAVANA Act of 2021,
13 is amended by adding at the end the following new para-
14 graph:

15 “(5) NO EFFECT ON OTHER BENEFITS.—Pay-
16 ments made under paragraph (2) are supplemental
17 to any other benefit furnished by the United States
18 Government for which a covered dependent, depend-
19 ent of a former employee, covered employee, former
20 employee, or covered individual is entitled, and the
21 receipt of such payments may not affect the eligi-
22 bility of such a person to any other benefit furnished
23 by the United States Government.”.

1 **TITLE VI—MATTERS RELATING**
2 **TO FOREIGN COUNTRIES**

3 **SEC. 601. NATIONAL INTELLIGENCE ESTIMATE ON SECU-**
4 **RITY SITUATION IN AFGHANISTAN AND RE-**
5 **LATED REGION.**

6 (a) REQUIREMENT.—The Director of National Intel-
7 ligence, acting through the National Intelligence Council,
8 shall produce a National Intelligence Estimate on the situ-
9 ation in Afghanistan and the covered region.

10 (b) MATTERS.—The National Intelligence Estimate
11 produced under subsection (a) shall include, with respect
12 to the 2-year period beginning on the date on which the
13 Estimate is produced, an assessment of the following:

14 (1) The presence in Afghanistan (including fi-
15 nancial contributions to the Taliban, political rela-
16 tions with the Taliban, military presence in the cov-
17 ered region, economic presence in the covered region,
18 and diplomatic presence in the covered region) of
19 China, Iran, Pakistan, Russia, and any other foreign
20 country determined relevant by the Director, respec-
21 tively, and an assessment of the potential risks, or
22 benefits, of any such presence, contributions, or rela-
23 tions.

24 (2) Any change in the threat to the United
25 States homeland or United States entities abroad as

1 a result of the withdrawal of the Armed Forces from
2 Afghanistan on August 31, 2021, including an as-
3 sessment of the risk of al-Qaeda or any affiliates
4 thereof, the Islamic State of Iraq and ash Sham-
5 Khorasan or any affiliates thereof, or any other
6 similar international terrorist group, using Afghani-
7 stan as a safe haven for launching attacks on the
8 United States and its interests abroad.

9 (3) The political composition and sustainability
10 of the governing body of Afghanistan, including an
11 assessment of the ability of the United States Gov-
12 ernment to influence the policies of such governing
13 body on the following:

14 (A) Counterterrorism.

15 (B) Counternarcotics.

16 (C) Human rights (particularly regarding
17 women and girls and traditionally targeted eth-
18 nic groups).

19 (D) The treatment and safe transit of Af-
20 ghans holding special immigrant visa status
21 under section 602 of the Afghan Allies Protec-
22 tion Act of 2009 (8 U.S.C. 1101 note) and
23 other Afghans who, during the period beginning
24 in 2001, assisted efforts of the United States in
25 Afghanistan or the covered region.

1 (4) The effect on the covered region, and Eu-
2 rope, of refugees leaving Afghanistan.

3 (5) The commitments of the Taliban relating to
4 counterterrorism, including an assessment of—

5 (A) whether such commitments required
6 under the agreement entered into between the
7 United States Government and the Taliban in
8 February 2020, have been tested, or will be
9 tested during the 2-year period covered by the
10 Estimate, and what such commitments entail;

11 (B) whether any additional commitments
12 relating to counterterrorism agreed to by the
13 Taliban pursuant to subsequent negotiations
14 with the United States Government following
15 February 2020, have been tested, or will be
16 tested during the 2-year period covered by the
17 Estimate, and, if applicable, what such commit-
18 ments entail;

19 (C) any benchmarks against which the
20 Taliban are to be evaluated with respect to
21 commitments relating to counterterrorism; and

22 (D) the intentions and capabilities of the
23 Taliban with respect to counterterrorism (as
24 such term is understood by the United States
25 and by the Taliban, respectively), including the

1 relations of the Taliban with al-Qaeda or any
2 affiliates thereof, the Islamic State of Iraq and
3 ash Sham-Khorasan or any affiliates thereof, or
4 any other similar international terrorist group.

5 (c) SUBMISSION TO CONGRESS.—

6 (1) SUBMISSION.—Not later than one year after
7 the date of the enactment of this Act, the Director
8 shall submit to the congressional intelligence com-
9 mittees the National Intelligence Estimate produced
10 under subsection (a), including all intelligence re-
11 porting underlying the Estimate.

12 (2) FORM.—The National Intelligence Estimate
13 shall be submitted under paragraph (1) in classified
14 form.

15 (d) PUBLIC VERSION.—Consistent with the protec-
16 tion of intelligence sources and methods, at the same time
17 as the Director submits to the congressional intelligence
18 committees the National Intelligence Estimate under sub-
19 section (c), the Director shall make publicly available on
20 the internet website of the Director an unclassified version
21 of the key findings of the National Intelligence Estimate.

22 (e) DEFINITIONS.—In this section:

23 (1) COVERED REGION.—The term “covered re-
24 gion” includes the following countries:

25 (A) China.

1 (B) The Gulf Cooperation Council coun-
2 tries, including Qatar, Saudi Arabia, the United
3 Arab Emirates.

4 (C) India.

5 (D) Iran.

6 (E) Pakistan.

7 (F) Tajikistan.

8 (G) Turkey.

9 (H) Turkmenistan.

10 (I) Uzbekistan.

11 (2) UNITED STATES ENTITY.—The term
12 “United States entity” means a citizen of the United
13 States, an embassy or consulate of the United
14 States, or an installation, facility, or personnel of
15 the United States Government.

16 **SEC. 602. REPORT ON LIKELIHOOD OF MILITARY ACTION**
17 **BY COUNTRIES OF THE SOUTH CAUCASUS.**

18 (a) REPORT.—Not later than 90 days after the date
19 of the enactment of this Act, the Director of National In-
20 telligence shall submit to the congressional intelligence
21 committees a report assessing the likelihood of a South
22 Caucasus country taking military action against another
23 country (including in Nagorno-Karabakh or any other dis-
24 puted territory). Such report shall include an indication
25 of the strategic balance in the region, including with re-

1 spect to the offensive military capabilities of each South
2 Caucasus country.

3 (b) FORM.—The report under subsection (a) shall be
4 submitted in unclassified form, but may include a classi-
5 fied annex.

6 (c) SOUTH CAUCASUS COUNTRY DEFINED.—In this
7 section, the term “South Caucasus country” means any
8 of the following:

9 (1) Armenia.

10 (2) Azerbaijan.

11 (3) Georgia.

12 **SEC. 603. REPORT ON INTELLIGENCE COLLECTION POS-**
13 **TURE AND OTHER MATTERS RELATING TO**
14 **AFGHANISTAN AND RELATED REGION.**

15 (a) REPORT.—Not later than 90 days after the date
16 of the enactment of this Act, the Director of National In-
17 telligence, in consultation with the heads of elements of
18 the intelligence community determined relevant by the Di-
19 rector, shall submit to the congressional intelligence com-
20 mittees a report on the collection posture of the intel-
21 ligence community and other matters relating to Afghani-
22 stan and the covered region.

23 (b) MATTERS.—The report under subsection (a) shall
24 include the following:

1 (1) A detailed description of the collection pos-
2 ture of the intelligence community with respect to
3 Afghanistan, including with respect to the following:

4 (A) The countering of terrorism threats
5 that are directed at the United States homeland
6 or United States entities abroad.

7 (B) The finances of the Taliban, including
8 financial contributions to the Taliban from for-
9 eign countries (particularly from China, Iran,
10 Russia, and any other foreign country in the
11 Arab Gulf region (or elsewhere) determined rel-
12 evant by the Director, respectively).

13 (C) The detection, and prevention of, any
14 increased threat to the United States homeland
15 or United States entities abroad as a result of
16 the withdrawal of the United States Armed
17 Forces from Afghanistan on August 31, 2021,
18 including any such increased threat resulting
19 from al-Qaeda or any affiliates thereof, the Is-
20 lamic State of Iraq and ash Sham-Khorasan or
21 any affiliates thereof, or any other similar inter-
22 national terrorist group, using Afghanistan as a
23 safe harbor.

24 (2) A detailed description of any plans, strate-
25 gies, or efforts to improve the collection posture de-

1 scribed in paragraph (1)(A), including by filling any
2 gaps identified pursuant to such paragraph.

3 (3) An assessment of the effect of publicly doc-
4 umenting abuses engaged in by the Taliban, and a
5 description of the efforts of the intelligence commu-
6 nity to support other departments and agencies in
7 the Federal Government with respect to the collec-
8 tion and documentation of such abuses.

9 (4) An assessment of the relationship between
10 the intelligence community and countries in the cov-
11 ered region, including an assessment of the fol-
12 lowing:

13 (A) Intelligence and information sharing
14 with such countries.

15 (B) Any change in the collection posture of
16 the intelligence community with respect to the
17 nuclear activities of such countries as a result
18 of the withdrawal of the United States Armed
19 Forces from Afghanistan on August 31, 2021.

20 (C) The collection posture of the intel-
21 ligence community with respect to the presence
22 of such countries in Afghanistan (including fi-
23 nancial contributions to the Taliban, political
24 relations with the Taliban, military presence in
25 Afghanistan, economic presence in Afghanistan,

1 and diplomatic presence in Afghanistan) and
2 the understanding of the intelligence community
3 regarding the potential risks, or benefits, of any
4 such presence, contributions, or relations.

5 (D) The ability of the intelligence commu-
6 nity to use the airspace of any such countries.

7 (5) An assessment of any financial contribu-
8 tions to the Taliban from foreign countries (particu-
9 larly from China, Iran, Russia, and any other for-
10 eign country in the Arab Gulf region (or elsewhere)
11 determined relevant by the Director, respectively)
12 made during the year preceding the withdrawal of
13 the United States Armed Forces from Afghanistan
14 on August 31, 2021.

15 (c) FORM.—The report under subsection (a) may be
16 submitted in classified form, but shall include an unclassi-
17 fied summary.

18 (d) BIENNIAL UPDATES.—On a biannual basis dur-
19 ing the 5-year period following the date of the submission
20 of the report under subsection (a), the Director of Na-
21 tional Intelligence, in consultation with the heads of the
22 elements of the intelligence community determined rel-
23 evant by the Director, shall submit to the congressional
24 intelligence committees an update to such report.

25 (e) DEFINITIONS.—In this section:

1 (1) COVERED REGION.—The term “covered re-
2 gion” includes the following countries:

3 (A) China.

4 (B) The Gulf Cooperation Council coun-
5 tries, including Qatar, Saudi Arabia, the United
6 Arab Emirates.

7 (C) India.

8 (D) Iran.

9 (E) Pakistan.

10 (F) Tajikistan.

11 (G) Turkey.

12 (H) Turkmenistan.

13 (I) Uzbekistan.

14 (2) UNITED STATES ENTITY.—The term
15 “United States entity” means a citizen of the United
16 States, an embassy or consulate of the United
17 States, or an installation, facility, or personnel of
18 the United States Government.

19 **SEC. 604. REPORT ON THREAT POSED BY EMERGING CHI-**
20 **NESE TECHNOLOGY COMPANIES.**

21 (a) REPORT.—Not later than 180 days after the date
22 of the enactment of this Act, the Director of National In-
23 telligence, in consultation with the Assistant Secretary of
24 the Treasury for Intelligence and Analysis and the Direc-
25 tor of the Federal Bureau of Investigation, shall submit

1 to the congressional intelligence committees a report on
2 the threat to the national security of the United States
3 posed by emerging Chinese technology companies.

4 (b) MATTERS INCLUDED.—The report under sub-
5 section (a) shall include the following:

6 (1) An assessment of the threat to the national
7 security of the United States posed by emerging
8 Chinese technology companies, including with re-
9 spect to—

10 (A) the practices of the companies and
11 their relationships to the government of China;

12 (B) the security of the communications,
13 data, and commercial interests of the United
14 States; and

15 (C) the privacy interests of United States
16 persons.

17 (2) An assessment of the ability of the United
18 States to counter any such threat, including with re-
19 spect to different tools that could counter such a
20 threat.

21 (c) FORM.—The report under subsection (a) may be
22 submitted in classified form, but if so submitted shall in-
23 clude an unclassified executive summary.

24 (d) EMERGING CHINESE TECHNOLOGY COMPANIES
25 DEFINED.—In this section, the term “emerging Chinese

1 technology companies” means a Chinese technology com-
2 pany, including a company listed on the Science and Tech-
3 nology Innovation Board of the Shanghai Stock Exchange,
4 that the Assistant Secretary of the Treasury for Intel-
5 ligence and Analysis determines poses a significant threat
6 to the national security of the United States.

7 **SEC. 605. REPORT ON COOPERATION BETWEEN CHINA AND**
8 **UNITED ARAB EMIRATES.**

9 (a) REQUIREMENT.—Not later than 60 days after the
10 date of the enactment of this Act, the Director of National
11 Intelligence, in consultation with the heads of elements of
12 the intelligence community that the Director determines
13 appropriate, shall submit to the congressional intelligence
14 committees a report containing the following:

15 (1) Details on the cooperation between China
16 and the United Arab Emirates regarding defense,
17 security, technology, and other strategically sensitive
18 matters that implicate the national security interests
19 of the United States.

20 (2) The most recent, as of the date of the re-
21 port, quarterly assessment by the intelligence com-
22 munity of measures that the United Arab Emirates
23 has implemented to safeguard technology of the
24 United States and the reliability of any assurances
25 by the United Arab Emirates (with respect to both

1 current assurances and assurances being considered
2 as of the date of the report).

3 (3) A certification by the Director regarding
4 whether such assurances described in paragraph (2)
5 are viable and sufficient to protect technology of the
6 United States from being transferred to China or
7 other third parties.

8 (b) FORM.—The report under subsection (a) may be
9 submitted in classified form, but if so submitted shall in-
10 clude an unclassified executive summary.

11 **SEC. 606. REPORT ON PROPAGATION OF EXTREMIST**
12 **IDEOLOGIES FROM SAUDI ARABIA.**

13 (a) REPORT.—Not later than February 1, 2022, the
14 Director of National Intelligence, in consultation with
15 other relevant Federal departments and agencies, shall
16 submit to the congressional intelligence committees a re-
17 port on the threat of extremist ideologies propagated from
18 Saudi Arabia and the failure of the Government of Saudi
19 Arabia to prevent the propagation of such ideologies. Such
20 report shall include a detailed description of—

21 (1) the role of governmental and nongovern-
22 mental entities and individuals of Saudi Arabia in
23 promoting, funding, and exporting ideologies, includ-
24 ing so-called “Wahhabist ideology”, that inspire ex-
25 tremism or extremist groups in other countries; and

(2) the practical and strategic consequences for
vital national security interests of the United States
as a result of such promotion, funding, or export.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

7 SEC. 607. REPORT ON EFFECTS OF SANCTIONS BY UNITED
8 STATES.

9 (a) REPORT.—Not later than 180 days after the date
10 of the enactment of this Act, the Director of National In-
11 telligence, in consultation with the Assistant Secretary of
12 the Treasury for Intelligence and Analysis, shall submit
13 to the congressional intelligence committees a report on
14 how covered countries respond to sanctions imposed by the
15 United States.

16 (b) MATTERS INCLUDED.—The report under sub-
17 section (a) shall include the following:

(1) An assessment of whether sanctions imposed by the United States on entities, individuals, or the governments of covered countries have caused those countries to alter their behavior.

(2) An assessment of the effectiveness of—
 (A) continuing such sanctions; and
 (B) imposing additional sanctions.

1 (c) FORM.—The report under subsection (a) may be
2 submitted in classified form, but if so submitted shall in-
3 clude an unclassified executive summary.

4 (d) COVERED COUNTRY DEFINED.—In this section,
5 the term “covered country” means—

6 (1) China;

7 (2) Iran;

8 (3) Russia; and

9 (4) any other foreign country the Assistant Sec-
10 retary of the Treasury for Intelligence and Analysis
11 determines appropriate.

12 **TITLE VII—REPORTS AND** 13 **OTHER MATTERS**

14 **SEC. 701. PILOT PROGRAM FOR SECURITY VETTING OF** 15 **CERTAIN INDIVIDUALS.**

16 (a) ESTABLISHMENT.—The Under Secretary of De-
17 fense for Intelligence and Security may establish a pilot
18 program to identify risks associated with individuals who
19 are performing unclassified research funded by the De-
20 partment of Defense who would not otherwise undergo
21 Federal personnel vetting.

22 (b) ELEMENTS.—In carrying out the pilot program
23 under this section, the Under Secretary of Defense for In-
24 telligence and Security may—

1 (1) identify the size of the population to be vet-
2 ted under the pilot program;

3 (2) establish a process to obtain information
4 from individuals to be vetted under the pilot pro-
5 gram;

6 (3) determine the criteria to evaluate national
7 security risks to research funded by the Department
8 of Defense from individuals who are participating in
9 such research;

10 (4) establish a process to conduct vetting, in-
11 cluding referrals to appropriate counterintelligence
12 and law enforcement entities, for the population to
13 be screened under the pilot program; and

14 (5) carry out the process described in para-
15 graph (4) with respect to the population to be
16 screened under the pilot program.

17 (c) REPORT.—Before commencing the pilot program
18 under this section, the Under Secretary of Defense for In-
19 telligence and Security shall submit to the appropriate
20 congressional committees a report containing details of the
21 planned elements of the pilot program under subsection
22 (b).

23 (d) BRIEFINGS.—Not less frequently than annually
24 during the 3-year period beginning on the date that is 1
25 year after the date of the enactment of this Act, the Under

1 Secretary of Defense for Intelligence and Security shall
2 provide to the appropriate congressional committees a
3 briefing on the status of the pilot program under this sec-
4 tion.

5 (e) TERMINATION.—The authority to conduct the
6 pilot program under this section shall terminate on the
7 date that is 5 years after the date of the enactment of
8 this Act.

9 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the congressional intelligence committees;

13 and

14 (2) the congressional defense committees (as
15 such term is defined in section 101(a) of title 10,
16 United States Code).

17 **SEC. 702. INTELLIGENCE ASSESSMENT AND REPORTS ON**
18 **FOREIGN RACIALLY MOTIVATED VIOLENT EX-**
19 **TREMISTS.**

20 (a) INTELLIGENCE ASSESSMENT.—

21 (1) REQUIREMENT.—Not later than 120 days
22 after the date of the enactment of this Act, the Di-
23 rector of National Intelligence, acting through the
24 Director of the National Counterterrorism Center, in
25 coordination with the Director of the Federal Bu-

1 reau of Investigation and the Under Secretary of
2 Homeland Security for Intelligence and Analysis,
3 and in consultation with other relevant Federal de-
4 partments and agencies, shall submit to the appro-
5 priate congressional committees an intelligence as-
6 sessment on significant threats to the United States
7 associated with foreign racially motivated violent ex-
8 tremist organizations.

9 (2) ELEMENTS.—The assessment under para-
10 graph (1) shall include the following:

11 (A) A list of foreign racially motivated vio-
12 lent extremist organizations that pose a signifi-
13 cant threat to the national security of the
14 United States.

15 (B) With respect to each such organiza-
16 tion—

17 (i) an overview of the membership,
18 ideology, and activities;

19 (ii) a description of any transnational
20 links to the United States or United States
21 persons;

22 (iii) a description of the leadership,
23 plans, intentions, and capabilities;

24 (iv) whether (and if so, to what ex-
25 tent) foreign governments or their proxies

1 provide any manner of support to such or-
2 ganizations, including a list of each such
3 foreign government or proxy;

4 (v) a description of the composition
5 and characteristics of the members and
6 support networks, including whether (and
7 if so, to what extent) the members are also
8 a part of a military, security service, or po-
9 lice;

10 (vi) a description of financing and
11 other forms of material support;

12 (vii) an assessment of trends and pat-
13 terns relative to communications, travel,
14 and training (including whether and to
15 what extent the organization is engaged in
16 or facilitating military or paramilitary
17 training);

18 (viii) an assessment of the
19 radicalization and recruitment, including
20 an analysis of the extremist messaging mo-
21 tivating members and supporters; and

22 (ix) whether (and if so, to what ex-
23 tent) foreign governments have sufficient
24 laws and policies to counter threats to the

1 United States associated with the organi-
2 zation, including best practices and gaps.

3 (C) An assessment of the status and extent
4 of information sharing, intelligence partner-
5 ships, foreign police cooperation, and mutual
6 legal assistance between the United States and
7 foreign governments relative to countering
8 threats to the United States associated with
9 foreign racially motivated violent extremist or-
10 ganizations.

11 (D) An assessment of intelligence gaps and
12 recommendations on how to remedy such gaps.

13 (E) An opportunity analysis regarding
14 countering such threats, including, at a min-
15 imum, with respect to mitigating and disrupting
16 the transnational nexus.

17 (3) STANDARDS.—The intelligence assessment
18 under paragraph (1) shall be conducted in a manner
19 that meets the analytic integrity and tradecraft
20 standards of the intelligence community.

21 (4) FORM.—The intelligence assessment under
22 paragraph (1) shall be submitted in unclassified
23 form, but may include a classified annex in elec-
24 tronic form that is fully indexed and searchable. In

1 carrying out this paragraph, the officials specified in
2 paragraph (1) shall—

3 (A) ensure that the assessment is unclassi-
4 fied to the extent possible; and

5 (B) ensure that the assessment is drafted
6 in a way to maximize the ability to share the
7 assessment, including the classified annex, with
8 the entities under paragraph (5).

9 (5) SHARING.—Consistent with the protection
10 of classified information, the Director of National
11 Intelligence, acting through the Director of the Na-
12 tional Counterterrorism Center, in coordination with
13 the Director of the Federal Bureau of Investigation
14 and the Under Secretary of Homeland Security for
15 Intelligence and Analysis, shall share the intelligence
16 assessment under paragraph (1) with—

17 (A) appropriate Federal departments and
18 agencies;

19 (B) Joint Terrorism Task Forces and the
20 Domestic Terrorism-Hate Crimes Fusion Cell
21 of the Federal Bureau of Investigation;

22 (C) State, local, and Tribal law enforce-
23 ment officials, including officials who operate
24 within State, local, and regional fusion centers
25 through the Department of Homeland Security

1 State, Local, and Regional Fusion Center Ini-
2 tiative established in accordance with section
3 210A of the Homeland Security Act of 2002 (6
4 U.S.C. 124h); and

5 (D) appropriate foreign governments, in-
6 cluding foreign intelligence services and foreign
7 police, and international institutions, that part-
8 ner with the United States on countering sig-
9 nificant threats associated with foreign racially
10 motivated violent extremist organizations.

11 (b) REPORT.—

12 (1) REQUIREMENT.—Not later than 150 days
13 after the date of the enactment of this Act, the Di-
14 rector of National Intelligence (acting through the
15 Director of the National Counterterrorism Center),
16 in coordination with the Secretary of State, the Sec-
17 retary of the Treasury, the Attorney General, the
18 Secretary of Homeland Security, and in a manner
19 consistent with the authorities and responsibilities of
20 such Secretary or Director, shall submit to the ap-
21 propriate congressional committees a report on the
22 use of Federal laws, regulations, and policies by the
23 Federal Government to counter significant threats to
24 the United States and United States persons associ-

1 ated with foreign racially motivated violent extremist
2 organizations.

3 (2) ELEMENTS.—The report under paragraph
4 shall include the following:

5 (A) An identification, description, and as-
6 sessment of the use and efficacy of, Federal
7 laws, regulations, and policies used by the Fed-
8 eral Government to address significant threats
9 to the United States and United States persons
10 associated with foreign racially motivated vio-
11 lent extremist organizations, including pursuant
12 to—

13 (i) section 1016 of the Intelligence
14 Reform and Terrorism Prevention Act of
15 2004 (6 U.S.C. 485) and section 119 of
16 the National Security Act of 1949 (50
17 U.S.C. 3056), particularly with respect to
18 the coordination and integration of all in-
19 struments of national power;

20 (ii) Executive Order 12333 (50 U.S.C.
21 3001 note), as amended;

22 (iii) the designation of foreign ter-
23 rorist organizations under section 219 of
24 the Immigration and Nationality Act (8
25 U.S.C. 1189);

1 (iv) the designation of specially des-
2 ignated terrorists, specially designated
3 global terrorists, or specially designated
4 nationals and blocked persons, pursuant to
5 Executive Orders 13886, 13372, and
6 13224 and parts 594, 595, 596, and 597
7 of title 31, Code of Federal Regulations;

8 (v) National Security Presidential
9 Memorandums 7 and 9, particularly with
10 respect to the sharing of terrorism infor-
11 mation and screening and vetting activi-
12 ties; and

13 (vi) any other applicable Federal laws,
14 regulations, or policies.

15 (B) An assessment of whether (and if so,
16 to what extent and why) such Federal laws,
17 regulations, and policies are sufficient to
18 counter such threats, including a description of
19 any gaps and specific examples to illustrate
20 such gaps.

21 (C) Recommendations regarding how to
22 remedy the gaps under subparagraph (B).

23 (3) PRIVACY AND CIVIL LIBERTIES ASSESS-
24 MENT.—Not later than 180 days after the date of
25 the enactment of this Act, the Privacy and Civil Lib-

1 erties Oversight Board, in consultation with the civil
2 liberties and privacy officers of the Federal depart-
3 ments and agencies the Board determines appro-
4 priate, shall submit to the appropriate congressional
5 committees a report containing—

6 (A) an assessment of the impacts on the
7 privacy and civil liberties of United States per-
8 sons concerning the use or recommended use of
9 any Federal laws, regulations, and policies spec-
10 ified in paragraph (2); and

11 (B) recommendations on options to develop
12 protections to mitigate such impacts.

13 (4) FORM.—The reports under paragraphs (1)
14 and (2) shall be submitted in unclassified form, but
15 may include a classified annex in electronic form
16 that is fully indexed and searchable. In carrying out
17 this paragraph, the officials responsible for submit-
18 ting such reports shall ensure that the reports are
19 unclassified to the extent possible.

20 (c) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Permanent Select Committee on
25 Intelligence, the Committee on Homeland Secu-

1 rity, the Committee on Foreign Affairs, and the
2 Committee on the Judiciary of the House of
3 Representatives; and

4 (B) the Select Committee on Intelligence,
5 the Committee on Homeland Security and Gov-
6 ernmental Affairs, the Committee on Foreign
7 Relations, and the Committee on the Judiciary
8 of the Senate.

9 (2) **TERRORISM INFORMATION.**—The term “ter-
10 rorism information” has the meaning given that
11 term in section 1016(a) of the Intelligence Reform
12 and Terrorism Prevention Act of 2004 (6 U.S.C.
13 485(a)).

14 (3) **UNITED STATES PERSON.**—The term
15 “United States person” has the meaning given that
16 term in section 105A(c) of the National Security Act
17 of 1947 (50 U.S.C. 3039).

18 **SEC. 703. PERIODIC REPORT ON POSITIONS IN THE INTEL-**
19 **LIGENCE COMMUNITY THAT CAN BE CON-**
20 **DUCTED WITHOUT ACCESS TO CLASSIFIED**
21 **INFORMATION, NETWORKS, OR FACILITIES.**

22 Section 6610 of the Damon Paul Nelson and Mat-
23 thew Young Pollard Intelligence Authorization Act for
24 Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3352e)
25 is amended—

1 (1) by striking “this Act and not less frequently
2 than once every 5 years thereafter,” and inserting
3 “this Act, and biennially thereafter,”; and

4 (2) by adding at the end the following new sen-
5 tence: “Such report shall take into account the po-
6 tential effect of maintaining continuity of operations
7 during a covered national emergency (as defined by
8 section 303 of the Intelligence Authorization Act for
9 Fiscal Year 2021 (division W of Public Law 116–
10 260)) and the assessed needs of the intelligence com-
11 munity to maintain such continuity of operations.”.

12 **SEC. 704. BIENNIAL REPORTS ON FOREIGN BIOLOGICAL**
13 **THREATS.**

14 (a) REQUIREMENT.—Title XI of the National Secu-
15 rity Act of 1947 (50 U.S.C. 3231 et seq.) is amended by
16 adding at the end the following new section (and con-
17 forming the table of contents at the beginning of such Act
18 accordingly):

19 **“SEC. 1111. BIENNIAL REPORTS ON FOREIGN BIOLOGICAL**
20 **THREATS.**

21 “(a) REPORTS.—On a biennial basis until the date
22 that is 10 years after the date of the enactment of the
23 Intelligence Authorization Act for Fiscal Year 2022, the
24 Director of National Intelligence shall submit to the con-
25 gressional intelligence committees a comprehensive report

1 on the activities, prioritization, and responsibilities of the
2 intelligence community with respect to foreign biological
3 threats emanating from the territory of, or sponsored by,
4 a covered country.

5 “(b) MATTERS INCLUDED.—Each report under sub-
6 section (a) shall include, with respect to foreign biological
7 threats emanating from the territory of, or sponsored by,
8 a covered country, the following:

9 “(1) A detailed description of all activities relat-
10 ing to such threats undertaken by each element of
11 the intelligence community, and an assessment of
12 any gaps in such activities.

13 “(2) A detailed description of all duties and re-
14 sponsibilities relating to such threats explicitly au-
15 thorized or otherwise assigned, exclusively or jointly,
16 to each element of the intelligence community, and
17 an assessment of any identified gaps in such duties
18 or responsibilities.

19 “(3) A description of the coordination among
20 the relevant elements of the intelligence community
21 with respect to the activities specified in paragraph
22 (1) and the duties and responsibilities specified in
23 paragraph (2).

24 “(4) An inventory of the strategies, plans, poli-
25 cies, and interagency agreements of the intelligence

1 community relating to the collection, monitoring,
2 analysis, mitigation, and attribution of such threats,
3 and an assessment of any identified gaps therein.

4 “(5) A description of the coordination and
5 interactions among the relevant elements of the in-
6 telligence community and non-intelligence commu-
7 nity partners.

8 “(6) An assessment of foreign malign influence
9 efforts relating to such threats, and a description of
10 how the intelligence community contributes to ef-
11 forts by non-intelligence community partners to
12 counter such foreign malign influence.

13 “(c) FORM.—Each report submitted under subsection
14 (a) may be submitted in classified form, but if so sub-
15 mitted shall include an unclassified executive summary.

16 “(d) DEFINITIONS.—In this section:

17 “(1) COVERED COUNTRY.—The term ‘covered
18 country’ means—

19 “(A) China;

20 “(B) Iran;

21 “(C) North Korea;

22 “(D) Russia; and

23 “(E) any other foreign country—

1 “(i) from which the Director of Na-
2 tional Intelligence determines a biological
3 threat emanates; or

4 “(ii) that the Director determines has
5 a known history of, or has been assessed
6 as having conditions present for, infectious
7 disease outbreaks or epidemics.

8 “(2) FOREIGN BIOLOGICAL THREAT.—The term
9 ‘foreign biological threat’ means biological warfare,
10 bioterrorism, naturally occurring infectious diseases,
11 or accidental exposures to biological materials, with-
12 out regard to whether the threat originates from a
13 state actor, a non-state actor, natural conditions, or
14 an undetermined source.

15 “(3) FOREIGN MALIGN INFLUENCE.—The term
16 ‘foreign malign influence’ has the meaning given
17 such term in section 119C(e).

18 “(4) NON-INTELLIGENCE COMMUNITY PART-
19 NER.—The term ‘non-intelligence community part-
20 ner’ means a Federal department or agency that is
21 not an element of the intelligence community.”.

22 (b) FIRST REPORT.—Not later than 120 days after
23 the date of the enactment of this Act, the Director of Na-
24 tional Intelligence shall submit to the congressional intel-
25 ligence committees the first report required under section

1 1111 of the National Security Act of 1947, as added by
2 subsection (a).

3 **SEC. 705. ANNUAL REPORTS ON DOMESTIC ACTIVITIES OF**
4 **THE INTELLIGENCE COMMUNITY.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) the Federal Bureau of Investigation and the
8 Department of Homeland Security conduct vital
9 work in enforcing the rule of law and safeguarding
10 the people of the United States from harm;

11 (2) the Intelligence Reform and Terrorism Pre-
12 vention Act of 2004 (Public Law 108–458; 118
13 Stat. 3638) sought to facilitate greater information
14 sharing between law enforcement and intelligence
15 communities for the purpose of thwarting attacks on
16 the homeland from international terrorist organiza-
17 tions;

18 (3) National Intelligence Program funds should
19 be expended only in support of intelligence activities
20 with a foreign nexus, consistent with the definition
21 of “intelligence” provided by Congress in section 3
22 of the National Security Act of 1947 (50 U.S.C.
23 3003); and

24 (4) the intelligence community should not en-
25 gage in the collection, assessment, or analysis of in-

1 formation that pertains exclusively to United States
2 persons absent a foreign nexus.

3 (b) REQUIREMENT.—Title XI of the National Secu-
4 rity Act of 1947 (50 U.S.C. 3231 et seq.), as amended
5 by section 704, is further amended by adding at the end
6 the following new section (and conforming the table of
7 contents at the beginning of such Act accordingly):

8 **“SEC. 1112. ANNUAL REPORTS ON THE DOMESTIC ACTIVI-**
9 **TIES OF THE INTELLIGENCE COMMUNITY.**

10 “(a) REPORTS.—Not later than January 31 of each
11 year, the Director of National Intelligence shall submit to
12 the congressional intelligence committees a report—

13 “(1) identifying all domestic activities under-
14 taken by each element of the intelligence community
15 during the prior fiscal year; and

16 “(2) for each activity identified under para-
17 graph (1), a statement of the legal authority author-
18 izing such activity to be undertaken.

19 “(b) FORM.—Each report under subsection (a) shall
20 be submitted in unclassified form, but may include a clas-
21 sified annex.”.

22 (c) FIRST REPORT.—Not later than 90 days after the
23 date of the enactment of this Act, the Director of National
24 Intelligence shall submit to the congressional intelligence
25 committees the first report required under section 1112

1 of the National Security Act of 1947, as added by sub-
2 section (a).

3 **SEC. 706. ANNUAL REPORTS ON CERTAIN CYBER**
4 **VULNERABILITIES PROCURED BY INTEL-**
5 **LIGENCE COMMUNITY AND FOREIGN COM-**
6 **MERCIAL PROVIDERS OF CYBER**
7 **VULNERABILITIES.**

8 (a) REQUIREMENT.—Title XI of the National Secu-
9 rity Act of 1947 (50 U.S.C. 3231 et seq.), as amended
10 by section 705, is further amended by adding at the end
11 the following new section (and conforming the table of
12 contents at the beginning of such Act accordingly):

13 **“SEC. 1113. ANNUAL REPORTS ON CERTAIN CYBER**
14 **VULNERABILITIES PROCURED BY INTEL-**
15 **LIGENCE COMMUNITY AND FOREIGN COM-**
16 **MERCIAL PROVIDERS OF CYBER**
17 **VULNERABILITIES.**

18 “(a) ANNUAL REPORTS.—On an annual basis
19 through 2026, the Director of the Central Intelligence
20 Agency and the Director of the National Security Agency,
21 in coordination with the Director of National Intelligence,
22 shall jointly submit to the congressional intelligence com-
23 mittees a report containing information on foreign com-
24 mercial providers and the cyber vulnerabilities procured by

1 the intelligence community through foreign commercial
2 providers.

3 “(b) ELEMENTS.—Each report under subsection (a)
4 shall include, with respect to the period covered by the
5 report, the following:

6 “(1) A description of each cyber vulnerability
7 procured through a foreign commercial provider, in-
8 cluding—

9 “(A) a description of the vulnerability;

10 “(B) the date of the procurement;

11 “(C) whether the procurement consisted of
12 only that vulnerability or included other
13 vulnerabilities;

14 “(D) the cost of the procurement;

15 “(E) the identity of the commercial pro-
16 vider and, if the commercial provider was not
17 the original supplier of the vulnerability, a de-
18 scription of the original supplier;

19 “(F) the country of origin of the vulner-
20 ability; and

21 “(G) an assessment of the ability of the in-
22 telligence community to use the vulnerability,
23 including whether such use will be operational
24 or for research and development, and the ap-
25 proximate timeline for such use.

1 “(2) An assessment of foreign commercial pro-
2 viders that—

3 “(A) pose a significant threat to the na-
4 tional security of the United States; or

5 “(B) have provided cyber vulnerabilities to
6 any foreign government that—

7 “(i) has used the cyber vulnerabilities
8 to target United States persons, the
9 United States Government, journalists, or
10 dissidents; or

11 “(ii) has an established pattern or
12 practice of violating human rights or sup-
13 pressing dissent.

14 “(3) An assessment of whether the intelligence
15 community has conducted business with the foreign
16 commercial providers identified under paragraph (2)
17 during the 5-year period preceding the date of the
18 report.

19 “(c) FORM.—Each report under subsection (a) may
20 be submitted in classified form.

21 “(d) DEFINITIONS.—In this section:

22 “(1) COMMERCIAL PROVIDER.—The term ‘com-
23 mercial provider’ means any person that sells, or
24 acts as a broker, for a cyber vulnerability.

1 “(2) CYBER VULNERABILITY.—The term ‘cyber
2 vulnerability’ means any tool, exploit, vulnerability,
3 or code that is intended to compromise a device, net-
4 work, or system, including such a tool, exploit, vul-
5 nerability, or code procured by the intelligence com-
6 munity for purposes of research and development.”.

7 (b) FIRST REPORT.—Not later than 90 days after
8 the date of the enactment of this Act, the Director of the
9 Central Intelligence Agency and the Director of the Na-
10 tional Security Agency shall jointly submit to the appro-
11 priate congressional committees the first report required
12 under section 1113 of the National Security Act of 1947,
13 as added by subsection (a).

14 **SEC. 707. IMPROVEMENTS TO ANNUAL REPORT ON DEMO-**
15 **GRAPHIC DATA OF EMPLOYEES OF INTEL-**
16 **LIGENCE COMMUNITY.**

17 Section 5704(c) of the Damon Paul Nelson and Mat-
18 thew Young Pollard Intelligence Authorization Act for
19 Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334b(c))
20 is amended—

21 (1) in the matter preceding paragraph (1), by
22 striking “After making available a report under sub-
23 section (b), the Director of National Intelligence
24 shall annually provide a report” and inserting “Not

1 later than March 31 of each year, the Director of
2 National Intelligence shall provide a report”; and

3 (2) by striking paragraph (1) and inserting the
4 following new paragraph:

5 “(1) demographic data and information on the
6 status of diversity and inclusion efforts of the intel-
7 ligence community, including demographic data re-
8 lating to—

9 “(A) the average years of service;

10 “(B) the average number of years of serv-
11 ice for each level in the General Schedule, Sen-
12 ior Executive Service, Senior Intelligence Serv-
13 ice, or equivalent; and

14 “(C) career categories.”.

15 **SEC. 708. NATIONAL INTELLIGENCE ESTIMATE ON ESCA-**
16 **LATION AND DE-ESCALATION OF GRAY ZONE**
17 **ACTIVITIES IN GREAT POWER COMPETITION.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) The conventional power of the United
20 States has driven foreign adversaries to a level of
21 competition that does not always depend on military
22 confrontation with the United States.

23 (2) Rather than challenging the United States
24 in a manner that could provoke a kinetic military re-
25 sponse, foreign adversaries of the United States have

1 turned to carrying out gray zone activities to ad-
2 vance the interests of such adversaries, weaken the
3 power of the United States, and erode the norms
4 that underpin the United States-led international
5 order.

6 (3) Gray zone activity falls on a spectrum of at-
7 tribution and deniability that ranges from covert ad-
8 versary operations, to detectible covert adversary op-
9 erations, to unattributable adversary operations, to
10 deniable adversary operations, to open adversary op-
11 erations.

12 (4) To adequately address such a shift to gray
13 zone activity, the United States must understand
14 what actions tend to either escalate or de-escalate
15 such activity by our adversaries.

16 (5) The laws, principles, and values of the
17 United States are strategic advantages in great
18 power competition with authoritarian foreign adver-
19 saries that carry out gray zone activities, because
20 such laws, principles, and values increase the appeal
21 of the governance model of the United States, and
22 the United States-led international order, to states
23 and peoples around the world.

24 (6) The international security environment has
25 demonstrated numerous examples of gray zone ac-

1 activities carried out by foreign adversaries, including
2 the following activities of foreign adversaries:

3 (A) Information operations, such as efforts
4 by Russia to influence the 2020 United States
5 Federal elections (as described in the March 15,
6 2021, intelligence community assessment of the
7 Office of the Director of National Intelligence
8 made publicly available on March 15, 2021).

9 (B) Adversary political coercion operations,
10 such as the wielding of energy by Russia, par-
11 ticularly in the context of Ukrainian gas pipe-
12 lines, to coerce its neighbors into compliance
13 with its policies.

14 (C) Cyber operations, such as the use by
15 China of cyber tools to conduct industrial espio-
16 nage.

17 (D) Provision of support to proxy forces,
18 such as the support provided by Iran to
19 Hezbollah and Shia militia groups.

20 (E) Provocation by armed forces controlled
21 by the government of the foreign adversary
22 through measures that do not rise to the level
23 of an armed attack, such as the use of the
24 China Coast Guard and maritime militia by

1 China to harass the fishing vessels of other
2 countries in the South China Sea.

3 (F) Alleged uses of lethal force on foreign
4 soil, such as the 2018 attempts by Russia to
5 poison Sergei Skripal in London.

6 (G) The potential use by an adversary of
7 technology that causes anomalous health inci-
8 dents among United States Government per-
9 sonnel.

10 (b) NATIONAL INTELLIGENCE ESTIMATE.—

11 (1) REQUIREMENT.—The Director of National
12 Intelligence, acting through the National Intelligence
13 Council, shall produce a National Intelligence Esti-
14 mate on how foreign adversaries use gray zone ac-
15 tivities to advance interests, what responses by the
16 United States (or the allies or partners of the
17 United States) would tend to result in the escalation
18 or de-escalation of such gray zone activities by for-
19 eign adversaries, and any opportunities for the
20 United States to minimize the extent to which for-
21 eign adversaries use gray zone activities in further-
22 ance of great power competition.

23 (2) MATTERS INCLUDED.—To the extent deter-
24 mined appropriate by the National Intelligence
25 Council, the National Intelligence Estimate produced

1 under paragraph (1) may include an assessment of
2 the following topics:

3 (A) Any potential or actual lethal or harm-
4 ful gray zone activities carried out against the
5 United States by foreign adversaries, including
6 against United States Government employees
7 and United States persons, whether located
8 within or outside of the United States.

9 (B) To the extent such activities have oc-
10 curred, or are predicted to occur—

11 (i) opportunities to reduce or deter
12 any such activities; and

13 (ii) any actions of the United States
14 Government that would tend to result in
15 the escalation or de-escalation of such ac-
16 tivities.

17 (C) Any incidents in which foreign adver-
18 saries could have used, but ultimately did not
19 use, gray zone activities to advance the inter-
20 ests of such adversaries, including an assess-
21 ment as to why the foreign adversary ultimately
22 did not use gray zone activities.

23 (D) The effect of lowering the United
24 States Government threshold for the public at-
25 tribution of detectable covert adversary oper-

1 ations, unattributable adversary operations, and
2 deniable adversary operations.

3 (E) The effect of lowering the United
4 States Government threshold for responding to
5 detectible covert adversary operations,
6 unattributable adversary operations, and deni-
7 able adversary operations.

8 (F) The extent to which the governments
9 of foreign adversaries exercise control over any
10 proxies or parastate actors used by such gov-
11 ernments in carrying out gray zone activities.

12 (G) The extent to which gray zone activi-
13 ties carried out by foreign adversaries affect the
14 private sector of the United States.

15 (H) The international norms that provide
16 the greatest deterrence to gray zone activities
17 carried out by foreign adversaries, and opportu-
18 nities for strengthening those norms.

19 (I) The effect, if any, of the strengthening
20 of democratic governance abroad on the resil-
21 ience of United States allies and partners to
22 gray zone activities.

23 (J) Opportunities to strengthen the resil-
24 ience of United States allies and partners to

1 gray zone activities, and associated tactics, car-
2 ried out by foreign adversaries.

3 (K) Opportunities for the United States to
4 improve the detection of, and early warning for,
5 such activities and tactics.

6 (L) Opportunities for the United States to
7 galvanize international support in responding to
8 such activities and tactics.

9 (3) SUBMISSION TO CONGRESS.—

10 (A) SUBMISSION.—Not later than 1 year
11 after the date of the enactment of this Act, the
12 Director shall submit to the congressional intel-
13 ligence committees the National Intelligence Es-
14 timate produced under paragraph (1), including
15 all intelligence reporting underlying the Esti-
16 mate.

17 (B) NOTICE REGARDING SUBMISSION.—If
18 at any time before the deadline specified in sub-
19 paragraph (A), the Director determines that the
20 National Intelligence Estimate produced under
21 paragraph (1) cannot be submitted by such
22 deadline, the Director shall (before such dead-
23 line) submit to the congressional intelligence
24 committees a report setting forth the reasons
25 why the National Intelligence Estimate cannot

1 be submitted by such deadline and an estimated
2 date for the submission of the National Intel-
3 ligence Estimate.

4 (C) FORM.—Any report under subpara-
5 graph (B) shall be submitted in unclassified
6 form.

7 (4) PUBLIC VERSION.—Consistent with the pro-
8 tection of intelligence sources and methods, at the
9 same time as the Director submits to the congres-
10 sional intelligence committees the National Intel-
11 ligence Estimate under paragraph (1), the Director
12 shall make publicly available on the internet website
13 of the Director an unclassified version of the key
14 findings of the National Intelligence Estimate.

15 (5) DEFINITIONS.—In this subsection:

16 (A) GRAY ZONE ACTIVITY.—The term
17 “gray zone activity” means an activity to ad-
18 vance the national interests of a State that—

19 (i) falls between ordinary statecraft
20 and open warfare;

21 (ii) is carried out with an intent to
22 maximize the advancement of interests of
23 the state without provoking a kinetic mili-
24 tary response by the United States; and

1 (iii) falls on a spectrum that ranges
2 from covert adversary operations, to
3 detectible covert adversary operations, to
4 unattributable adversary operations, to de-
5 niable adversary operations, to open adver-
6 sary operations.

7 (B) COVERT ADVERSARY OPERATION.—
8 The term “covert adversary operation” means
9 an operation by an adversary that—

10 (i) the adversary intends to remain
11 below the threshold at which the United
12 States detects the operation; and

13 (ii) does stay below such threshold.

14 (C) DETECTIBLE COVERT ADVERSARY OP-
15 ERATION.—The term “detectible covert adver-
16 sary operation” means an operation by an ad-
17 versary that—

18 (i) the adversary intends to remain
19 below the threshold at which the United
20 States detects the operation; but

21 (ii) is ultimately detected by the
22 United States at a level below the level at
23 which the United States will publicly at-
24 tribute the operation to the adversary.

1 (D) UNATTRIBUTABLE ADVERSARY OPER-
2 ATION.—The term “unattributable adversary
3 operation” means an operation by an adversary
4 that the adversary intends to be detected by the
5 United States, but remain below the threshold
6 at which the United States will publicly at-
7 tribute the operation to the adversary.

8 (E) DENIABLE ADVERSARY OPERATION.—
9 The term “deniable adversary operation” means
10 an operation by an adversary that—

11 (i) the adversary intends to be de-
12 tected and publicly or privately attributed
13 by the United States; and

14 (ii) the adversary intends to deny, to
15 limit the response by the United States,
16 and any allies of the United States.

17 (F) OPEN ADVERSARY OPERATION.—The
18 term “open adversary operation” means an op-
19 eration by an adversary that the adversary
20 openly acknowledges as attributable to the ad-
21 versary.

22 (c) REQUIREMENT TO DEVELOP LEXICON.—

23 (1) REQUIREMENT.—The Director of National
24 Intelligence, acting through the National Intelligence
25 Council, shall develop a lexicon of common terms

1 (and corresponding definitions for such terms) for
2 concepts associated with gray zone activities.

3 (2) CONSIDERATIONS.—In developing the lexi-
4 con under paragraph (1), the National Intelligence
5 Council shall include in the lexicon each term (and
6 the corresponding definition for each term) specified
7 in subsection (b)(5), unless the National Intelligence
8 Council determines that an alternative term (or al-
9 ternative definition)—

10 (A) more accurately describes a concept as-
11 sociated with gray zone activities; or

12 (B) is preferable for any other reason.

13 (3) REPORT.—

14 (A) PUBLICATION.—The Director of Na-
15 tional Intelligence shall publish a report con-
16 taining the lexicon developed under paragraph
17 (1).

18 (B) FORM.—The report under subpara-
19 graph (A) shall be published in unclassified
20 form.

1 **SEC. 709. REPORT ON CERTAIN ACTIONS TAKEN BY INTEL-**
2 **LIGENCE COMMUNITY WITH RESPECT TO**
3 **HUMAN RIGHTS AND INTERNATIONAL HU-**
4 **MANITARIAN LAW.**

5 (a) REPORT.—Not later than 120 days after the date
6 of the enactment of this Act, the Director of National In-
7 telligence, in coordination with the Director of the Central
8 Intelligence Agency, the Director of the National Security
9 Agency, the Secretary of Defense, and the Director of the
10 Defense Intelligence Agency, shall submit to the congres-
11 sional intelligence committees a report on certain actions
12 taken by the intelligence community with respect to
13 human rights and international humanitarian law.

14 (b) ELEMENTS.—The report under subsection (a)
15 shall include the following:

16 (1) A detailed explanation of whether, and to
17 what extent, each element of the intelligence commu-
18 nity has provided intelligence products relating to
19 the efforts of the Secretary of State and the Sec-
20 retary of Treasury regarding the categorization, de-
21 terminations on eligibility for assistance and train-
22 ing, and general understanding, of covered entities
23 that commit, engage, or are otherwise complicit in,
24 violations of human rights or international humani-
25 tarian law.

1 (2) A detailed explanation of whether, and to
2 what extent, each element of the intelligence commu-
3 nity has provided intelligence products relating to
4 any of the following:

5 (A) Section 7031(c) of the Department of
6 State, Foreign Operations, and Related Pro-
7 grams Appropriations Act, 2020 (division G of
8 Public Law 116–94; 8 U.S.C. 1182 note).

9 (B) The visa restriction policy of the De-
10 partment of State announced on February 26,
11 2021, and commonly referred to as the
12 “Khashoggi Ban”.

13 (C) The annual report requirement of the
14 Department of Defense under section 1057 of
15 the National Defense Authorization Act for Fis-
16 cal Year 2018 (131 Stat. 1572).

17 (D) The Global Magnitsky Human Rights
18 Accountability Act (subtitle F of title XII of
19 Public Law 114–328; 22 U.S.C. 2656 note).

20 (3) A detailed explanation of the following proc-
21 esses:

22 (A) The process of each element of the in-
23 telligence community for monitoring covered en-
24 tities for derogatory human rights or inter-
25 national humanitarian law information.

1 (B) The process of each element of the in-
2 telligence community for determining the credi-
3 bility of derogatory human rights or inter-
4 national humanitarian law information.

5 (C) The process of each element of the in-
6 telligence community for determining what fur-
7 ther action is appropriate if derogatory human
8 rights or international humanitarian law infor-
9 mation is determined to be credible.

10 (4) An unredacted copy of each policy or simi-
11 lar document that describes a process specified in
12 paragraph (3).

13 (5) A detailed explanation of whether, with re-
14 spect to each element of the intelligence community,
15 the head of the element has changed or restricted
16 any activities of the element in response to deroga-
17 tory human rights or international humanitarian law
18 information.

19 (6) Examples of any changes or restrictions
20 specified in paragraph (5) taken by the head of the
21 element of the intelligence community during the
22 two years preceding the date of the submission of
23 the report.

1 (c) FORM.—The report under subsection (a) shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 (d) DEFINITIONS.—In this section:

5 (1) COVERED ENTITY.—The term “covered en-
6 tity”—

7 (A) means an individual, unit, or foreign
8 government that—

9 (i) has a cooperative relationship with
10 the United States Government; or

11 (ii) is the target of an intelligence col-
12 lection activity carried out by the United
13 States Government; but

14 (B) does not include an employee of the
15 United States Government.

16 (2) DEROGATORY HUMAN RIGHTS OR INTER-
17 NATIONAL HUMANITARIAN LAW INFORMATION.—The
18 term “derogatory human rights or international hu-
19 manitarian law information” means information
20 tending to suggest that a covered entity committed,
21 participated, or was otherwise complicit in, a viola-
22 tion of human rights or international humanitarian
23 law, regardless of the credibility of such information,
24 the source of the information, or the level of classi-
25 fication of the information.

1 (3) VIOLATION OF HUMAN RIGHTS OR INTER-
2 NATIONAL HUMANITARIAN LAW.—The term “viola-
3 tion of human rights or international humanitarian
4 law” includes a violation of any authority or obliga-
5 tion of the United States Government related to
6 human rights or international humanitarian law,
7 without regard to whether such authority or obliga-
8 tion is codified in a provision of law, regulation, or
9 policy.

10 **SEC. 710. BRIEFING ON TRAININGS RELATING TO**
11 **BLOCKCHAIN TECHNOLOGY.**

12 (a) BRIEFING.—Not later than 90 days after the date
13 of the enactment of this Act, the Director of National In-
14 telligence shall provide to the congressional intelligence
15 committees a briefing on the feasibility and benefits of
16 providing training described in subsection (b).

17 (b) TRAINING DESCRIBED.—Training described in
18 this subsection is training that meets the following cri-
19 teria:

20 (1) The training is on cryptocurrency,
21 blockchain technology, or both subjects.

22 (2) The training may be provided through part-
23 nerships with universities or private sector entities.

1 **SEC. 711. REPORT ON PROSPECTIVE ABILITY TO ADMIN-**
2 **ISTER COVID-19 VACCINES AND OTHER MED-**
3 **ICAL INTERVENTIONS TO CERTAIN INTEL-**
4 **LIGENCE COMMUNITY PERSONNEL.**

5 (a) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, the Director of National In-
7 telligence and the Under Secretary of Defense for Intel-
8 ligence and Security, in consultation with the elements of
9 the intelligence community and relevant public health
10 agencies of the United States, shall jointly develop and
11 submit to the congressional intelligence committees a re-
12 port on the prospective ability of the intelligence commu-
13 nity to administer COVID-19 vaccines, and such other
14 medical interventions as may be relevant in the case of
15 a future covered national emergency, to covered personnel
16 (particularly with respect to essential covered personnel
17 and covered personnel deployed outside of the United
18 States).

19 (b) MATTERS INCLUDED.—The report under sub-
20 section (a) shall include an assessment of the following:

21 (1) The prospective ability of the elements of
22 the intelligence community to administer COVID-19
23 vaccines (including subsequent booster shots for
24 COVID-19), to covered personnel, and whether ad-
25 ditional authorities or resources are necessary for, or
26 may otherwise facilitate, such administration.

1 (2) The potential risks and benefits of granting
2 the additional authorities or resources described in
3 paragraph (1) to the Director, the Under Secretary,
4 or both.

5 (3) With respect to potential future covered na-
6 tional emergencies, including future outbreaks of an
7 infectious pandemic disease or similar public health
8 emergencies, the following:

9 (A) The ability of the intelligence commu-
10 nity to ensure the timely administration of med-
11 ical interventions to covered personnel during
12 the covered national emergency.

13 (B) Whether additional authorities or re-
14 sources are necessary to ensure, or may other-
15 wise facilitate, such timely administration, in-
16 cluding with respect to the ability of the Direc-
17 tor or Under Secretary to provide an alternative
18 means of access to covered personnel with re-
19 duced access to the interventions provided by
20 the respective element.

21 (C) The potential risks and benefits of
22 granting the additional authorities or resources
23 described in subparagraph (B) to the Director,
24 the Under Secretary, or both.

1 (4) A summary of the findings of the survey
2 under subsection (c).

3 (c) SURVEY.—Not later than 120 days after the date
4 of the enactment of this Act, and prior to submitting the
5 report under subsection (a), the Director and the Under
6 Secretary shall jointly conduct a survey to determine the
7 process by which each element of the intelligence commu-
8 nity has administered COVID–19 vaccines to covered per-
9 sonnel, to inform continued medical care relating to
10 COVID–19 and future responses to covered national emer-
11 gencies. Such survey shall address, with respect to each
12 element, the following:

13 (1) The timeline of the element with respect to
14 the administration of COVID–19 vaccines prior to
15 the date of the enactment of this Act.

16 (2) The process by which the element deter-
17 mined when covered personnel would become eligible
18 to receive the COVID–19 vaccine (including if cer-
19 tain categories of such personnel became eligible be-
20 fore others).

21 (3) A general approximation of the percentage
22 of covered personnel of the element that received the
23 COVID–19 vaccine from the element versus through
24 an alternative means (such as a private sector enti-
25 ty, foreign government, State, or local government),

1 particularly with respect to covered personnel de-
2 ployed outside of the United States.

3 (4) Any challenges encountered by the element
4 with respect to the administration of COVID-19
5 vaccines prior to the date of the enactment of this
6 Act.

7 (5) Any other feedback determined relevant for
8 purposes of the survey.

9 (d) PRIVACY CONSIDERATIONS.—In carrying out the
10 report and survey requirements under this section, the Di-
11 rector, the Under Secretary, and the heads of the elements
12 of the intelligence community shall ensure, to the extent
13 practicable, the preservation of medical privacy and the
14 anonymity of data.

15 (e) DEFINITIONS.—In this section:

16 (1) COVERED NATIONAL EMERGENCY.—The
17 term “covered national emergency” has the meaning
18 given such term in section 303 of the Intelligence
19 Authorization Act for Fiscal Year 2021 (50 U.S.C.
20 3316b).

21 (2) COVERED PERSONNEL.—The term “covered
22 personnel” means personnel who are—

23 (A) employees of, or otherwise detailed or
24 assigned to, an element of the intelligence com-
25 munity; and

1 (B) funded under the National Intelligence
2 Program or the Military Intelligence Program.

3 (3) ESSENTIAL COVERED PERSONNEL.—The
4 term “essential covered personnel” means covered
5 personnel deemed essential to—

6 (A) continuity of operations of the intel-
7 ligence community;

8 (B) continuity of operations of the United
9 States Government; or

10 (C) other purposes related to the national
11 security of the United States.

12 (4) NATIONAL INTELLIGENCE PROGRAM.—The
13 term “National Intelligence Program” has the mean-
14 ing given such term in section 3 of the National Se-
15 curity Act of 1947 (50 U.S.C. 3003).

16 **SEC. 712. REPORT ON POTENTIAL INCLUSION WITHIN IN-**
17 **TELLIGENCE COMMUNITY OF THE OFFICE OF**
18 **NATIONAL SECURITY OF THE DEPARTMENT**
19 **OF HEALTH AND HUMAN SERVICES.**

20 (a) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Director of National In-
22 telligence, in coordination with the Secretary of Health
23 and Human Services, shall submit to the appropriate con-
24 gressional committees a report on the potential advantages
25 and disadvantages of adding the Office of National Secu-

1 rity of the Department of Health and Human Services as
2 a new element of the intelligence community.

3 (b) MATTERS INCLUDED.—The report under sub-
4 section (a) shall include the following:

5 (1) An assessment of the following:

6 (A) The likelihood that the addition of the
7 Office of National Security as a new element of
8 the intelligence community would increase
9 connectivity between other elements of the intel-
10 ligence community working on health security
11 topics and the Department of Health and
12 Human Services.

13 (B) The likelihood that such addition
14 would increase the flow of raw intelligence and
15 finished intelligence products to officials of the
16 Department of Health and Human Services.

17 (C) The likelihood that such addition
18 would facilitate the flow of information relating
19 to health security topics to intelligence analysts
20 of various other elements of the intelligence
21 community working on such topics.

22 (D) The extent to which such addition
23 would clearly demonstrate to both the national
24 security community and the public health com-
25 munity that health security is national security.

1 (E) Any anticipated impediments to such
2 addition relating to additional budgetary over-
3 sight by the executive branch or Congress.

4 (F) Any other significant advantages or
5 disadvantages of such addition, as identified by
6 either the Director of National Intelligence or
7 the Secretary of Health and Human Services.

8 (2) A joint recommendation by the Director of
9 National Intelligence and the Secretary of Health
10 and Human Services as to whether to add the Office
11 of National Security as a new element of the intel-
12 ligence community.

13 (c) FORM.—The report under subsection (a) shall be
14 submitted in unclassified form, but may include a classi-
15 fied annex.

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
17 DEFINED.—In this section, the term “appropriate con-
18 gressional committees” means—

19 (1) the congressional intelligence committees;
20 and

21 (2) the Committee on Energy and Commerce of
22 the House of Representatives and the Committee on
23 Health, Education, Labor, and Pensions of the Sen-
24 ate.

1 **SEC. 713. REPORTS RELATING TO INSPECTOR GENERAL OF**
2 **DEFENSE INTELLIGENCE AGENCY.**

3 (a) REPORT ON RESPONSES BY INSPECTOR GEN-
4 ERAL TO SUBSTANTIATED ALLEGATIONS.—

5 (1) REPORT.—Not later than 180 days after
6 the date of the enactment of this Act, the Director
7 of the Defense Intelligence Agency shall submit to
8 the congressional intelligence committees a report on
9 allegations of reprisal or abuse of authority deter-
10 mined to be substantiated by the Inspector General
11 of the Defense Intelligence Agency during the 5-year
12 period preceding the date of the enactment of this
13 Act.

14 (2) MATTERS INCLUDED.—The report under
15 paragraph (1) shall include, with respect to each al-
16 legation determined to be substantiated during the
17 5-year period specified in such paragraph, a descrip-
18 tion of the following:

19 (A) Details of each substantiated allega-
20 tion.

21 (B) The rank or grade of the individuals
22 involved in the allegation.

23 (C) Any disciplinary action recommended
24 by the Inspector General in response to the alle-
25 gation, or, if the Inspector General rec-
26 ommended no disciplinary action be taken in re-

1 sponse, any justification for such recommenda-
2 tion.

3 (D) Any disciplinary action taken by the
4 relevant manager of the Defense Intelligence
5 Agency in response to the allegation.

6 (E) Whether the relevant manager re-
7 duced, or declined to take, a disciplinary action
8 recommended by the Inspector General in re-
9 sponse to the allegation.

10 (F) Any justification from the relevant
11 manager regarding the decision to take, reduce,
12 or decline to take, a disciplinary action rec-
13 ommended by the Inspector General in response
14 to the allegation.

15 (G) The process by which Defense Intel-
16 ligence Agency management reviews and makes
17 decisions regarding disciplinary actions in re-
18 sponse to substantiated allegations, including—

19 (i) the criteria applied by management
20 in making the decision to take, reduce, or
21 decline to take, a disciplinary action;

22 (ii) a description of which managers
23 have the authority to make such decisions,
24 including the rank or grade of the man-
25 agers; and

1 (iii) a description of any formal or in-
2 formal appeals processes available with re-
3 spect to such decisions.

4 (3) FORM.—The report under paragraph (1)
5 shall be submitted in unclassified form, but may in-
6 clude a classified annex.

7 (b) REPORT ON PROCESSES FOR ENSURING INDE-
8 PENDENCE OF INSPECTOR GENERAL.—

9 (1) REPORT.—Not later than 30 days after the
10 date of the enactment of this Act, the Director of
11 the Defense Intelligence Agency shall submit to the
12 congressional intelligence committees and the Coun-
13 cil of the Inspectors General on Integrity and Effi-
14 ciency established under section 11 of the Inspector
15 General Act of 1978 (5 U.S.C. App.) a report on the
16 processes of the Defense Intelligence Agency for en-
17 suring the independence of the position of the In-
18 spector General of the Defense Intelligence Agency.

19 (2) MATTERS INCLUDED.—The report under
20 paragraph (1) shall include a description of the fol-
21 lowing:

22 (A) The selection criteria used by the Di-
23 rector in the appointment of the Inspector Gen-
24 eral.

1 (B) The methods used by the Director to
2 ensure the independence of the position of the
3 Inspector General, including—

4 (i) the process for vetting candidates
5 for such position for independence from
6 leadership of the Defense Intelligence
7 Agency and from officials occupying posi-
8 tions in the Defense Intelligence Senior
9 Executive Service; and

10 (ii) the process for evaluating such
11 candidates for conflicts of interest.

12 (3) FORM.—The report under paragraph (1)
13 shall be submitted in unclassified form, but may in-
14 clude a classified annex.

15 (c) ASSESSMENT BY COUNCIL OF INSPECTORS GEN-
16 ERAL ON INTEGRITY AND EFFICIENCY.—

17 (1) ASSESSMENT.—Not later than 120 days
18 after the date of the enactment of this Act, the
19 Council of the Inspectors General on Integrity and
20 Efficiency shall—

21 (A) conduct an assessment of the effective-
22 ness of the selection criteria and methods speci-
23 fied in subsection (b)(2) with respect to the po-
24 sition of the Inspector General of the Defense
25 Intelligence Agency; and

1 (B) submit to the congressional intelligence
2 committees a report containing the results of
3 such assessment.

4 (2) FORM.—The report under paragraph (1)(B)
5 shall be submitted in unclassified form, but may in-
6 clude a classified annex.

7 **SEC. 714. REPORT ON RARE EARTH ELEMENTS.**

8 (a) REPORT.—Not later than 180 days after the date
9 of the enactment of this Act, the Director of National In-
10 telligence, in coordination with the Director of the Defense
11 Intelligence Agency, the Director of the Office of Intel-
12 ligence and Counterintelligence of the Department of En-
13 ergy, and any other head of an element of the intelligence
14 community that the Director of National Intelligence de-
15 termines relevant, shall submit to the congressional intel-
16 ligence committees a report on rare earth elements.

17 (b) MATTERS INCLUDED.—The report under sub-
18 section (a) shall include the following:

19 (1) An assessment coordinated by the National
20 Intelligence Council of—

21 (A) long-term trends in the global rare
22 earth element industry;

23 (B) the national security, economic, and
24 industrial risks to the United States, and to the
25 partners and allies of the United States, with

1 respect to relying on foreign countries for rare
2 earth mining and the processing or production
3 of rare earth elements;

4 (C) the intentions of foreign governments
5 with respect to limiting, reducing, or ending ac-
6 cess of the United States or the partners and
7 allies of the United States to—

8 (i) rare earth elements; or

9 (ii) any aspect of the rare earth min-
10 ing, processing, or production chain; and

11 (D) opportunities for the United States,
12 and for the partners and allies of the United
13 States, to assure continued access to—

14 (i) rare earth elements; and

15 (ii) the rare earth mining, processing,
16 or production chain.

17 (2) A description of—

18 (A) any relevant procurement, use, and
19 supply chain needs of the intelligence commu-
20 nity with respect to rare earth elements;

21 (B) any relevant planning or efforts by the
22 intelligence community to assure secured access
23 to rare earth magnets;

1 (C) any assessed vulnerabilities or risks to
2 the intelligence community with respect to rare
3 earth elements;

4 (D) any relevant planning or efforts by the
5 intelligence community to coordinate with de-
6 partments and agencies of the United States
7 Government that are not elements of the intel-
8 ligence community on securing the rare earth
9 element supply chain; and

10 (E) any previous or anticipated efforts by
11 the Supply Chain and Counterintelligence Risk
12 Management Task Force established under sec-
13 tion 6306 of the Damon Paul Nelson and Mat-
14 thew Young Pollard Intelligence Authorization
15 Act for Fiscal Years 2018, 2019, and 2020 (50
16 U.S.C. 3370) with respect to rare earth ele-
17 ments.

18 (c) FORM.—The report under subsection (a) shall be
19 submitted in unclassified form, but may include a classi-
20 fied annex.

21 (d) RARE EARTH ELEMENTS DEFINED.—In this sec-
22 tion, the term “rare earth elements” includes products
23 that contain rare earth elements, including rare earth
24 magnets.

1 **SEC. 715. REPORT ON PLAN TO FULLY FUND THE INFORMA-**
2 **TION SYSTEMS SECURITY PROGRAM AND**
3 **NEXT GENERATION ENCRYPTION.**

4 (a) REPORT.—Not later than 1 year after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall submit to the appropriate congressional committees
7 a report on the resources necessary to fully fund the Infor-
8 mation Systems Security Program during the period cov-
9 ered by the most recent future-years defense program sub-
10 mitted under section 221 of title 10, United States Code—

11 (1) to address the cybersecurity requirements of
12 the Department of Defense; and

13 (2) for the adoption of next generation
14 encryption into existing and future systems.

15 (b) MATTERS INCLUDED.—The report under sub-
16 section (a) shall include the following:

17 (1) An assessment by the Chief Information Of-
18 ficer of the Department of Defense, in coordination
19 with the chiefs of the Armed Forces and in consulta-
20 tion with the Director of the National Security
21 Agency, of the additional resources required to fund
22 the Information Systems Security Program at a level
23 that satisfies current and anticipated cybersecurity
24 requirements of the Department.

1 (2) An identification of any existing funding not
2 currently aligned to the Program that is more ap-
3 propriately funded through the Program.

4 (3) A strategic plan, developed in coordination
5 with the chiefs of the Armed Forces and in consulta-
6 tion with the Director of the National Security
7 Agency, that provides options, timelines and re-
8 quired funding by the Armed Forces or a component
9 of the Department, for the adoption of next genera-
10 tion encryption into existing and future systems.

11 (c) FORM.—The report under subsection (a) may be
12 submitted in classified form.

13 (d) BRIEFING.—Not later than 30 days after the date
14 on which the Secretary submits the report under sub-
15 section (a), the Chief Information Officer of the Depart-
16 ment and the Director of the National Security Agency
17 shall jointly provide to the appropriate congressional com-
18 mittees a briefing on the report.

19 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “appropriate congres-
21 sional committees” means—

22 (1) the Committee on Armed Services, the
23 Committee on Appropriations, and the Permanent
24 Select Committee on Intelligence of the House of
25 Representatives; and

1 (2) the Committee on Armed Services, the
2 Committee on Appropriations, and the Select Com-
3 mittee on Intelligence of the Senate.

4 **SEC. 716. REVIEW OF NATIONAL SECURITY AGENCY AND**
5 **UNITED STATES CYBER COMMAND.**

6 (a) REVIEW REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Inspectors
8 General of the National Security Agency, Intelligence
9 Community, and Department of Defense shall jointly com-
10 plete a review of the National Security Agency and the
11 United States Cyber Command.

12 (b) ELEMENTS.—The review required by subsection
13 (a) shall include assessment of the following:

14 (1) Whether and what resources, authorities,
15 activities, missions, facilities, and personnel are ap-
16 propriately being delineated and used to conduct the
17 intelligence and cybersecurity missions at the Na-
18 tional Security Agency as well as the cyber offense
19 and defense missions of the United States Cyber
20 Command.

21 (2) The extent to which current resource-shar-
22 ing arrangements between the National Security
23 Agency and the United States Cyber Command lead
24 to conflicts of interest in directing intelligence collec-

1 tion in support of United States Cyber Command
2 missions rather than foreign intelligence collection.

3 (3) The intelligence analysis and production
4 conducted by the United States Cyber Command
5 using National Security Agency authorities, with a
6 focus on analytic integrity and intelligence oversight
7 to ensure proper analysis is informing mission oper-
8 ations.

9 (4) The number of personnel detailed from the
10 National Security Agency to the United States
11 Cyber Command, including from which offices such
12 personnel have been detailed, and an assessment of
13 the mission impact on the sponsoring office.

14 (c) REPORT AND BRIEF.—Not later than 180 days
15 after the date of the enactment of this Act, the Inspectors
16 General of the National Security Agency, Intelligence
17 Community, and Department of Defense shall jointly sub-
18 mit to the congressional intelligence committees and the
19 congressional defense committees (as defined in section
20 101(a) of title 10, United States Code) a report and pro-
21 vide such committees a briefing on the findings of the in-
22 spectors general with respect to the review completed
23 under subsection (a).

